THE NATIONAL ARCHIVES
LITTERA SCRIPTA MANET
1934
OF THE UNITED STATES

FEDERAL REGISTER

VOLUME 5 NUMBER 223

Washington, Friday, November 15, 1940

The President

REGISTRATION DAY—ALASKA

BY THE PRESIDENT OF THE UNITED STATES

A PROCLAMATION

WHEREAS the Congress has enacted and I have on the sixteenth day of September, 1940, approved the Selective Training and Service Act of 1940, which declares that it is imperative to increase and train the personnel of the armed forces of the United States and that in a free society the obligations and privileges of military training and service should be shared generally in accordance with a fair and just system of selective compulsory military training and service;

WHEREAS the said Act contains, in part, the following provisions:

SEC. 2. Except as otherwise provided in this Act, it shall be the duty of every male citizen of the United States, and of every male alien residing in the United States, who, on the day or days fixed for the first or any subsequent registration, is between the ages of twenty-one and thirty-six, to present himself for and submit to registration at such time or times and place or places, and in such manner and in such age group or groups, as shall be determined by rules and regulations prescribed hereunder.

* * * * *

SEC. 5. (a) Commissioned officers, warrant officers, pay clerks, and enlisted men of the Regular Army, the Navy, the Marine Corps, the Coast Guard, the Coast and Geodetic Survey, the Public Health Service, the federally recognized active National Guard, the Officers' Reserve Corps, the Regular Army Reserve, the Enlisted Reserve Corps, the Naval Reserve, and the Marine Corps Reserve; cadets, United States Military Academy; midshipmen, United States Naval Academy; cadets, United States Coast Guard Academy; men who have been accepted for admittance (commencing with the academic year next succeeding such acceptance) to the United States Military Academy as cadets, to the United States Naval Academy as midshipmen, or to the United States Coast Guard Academy as cadets, but only during the continuance of such acceptance; cadets of the advanced course, senior division, Reserve Officers' Training Corps or Naval Reserve Officers' Training Corps; and diplomatic representatives, technical attaches of foreign embassies and legations, consuls general, consuls, vice consuls, and consular agents of foreign countries, residing in the United States, who are not citizens of the United States, and who have not declared their intention to become citizens of the United States, shall not be required to be registered under section 2 and shall be relieved from liability for training and service under section 3 (b).

* * * * *

SEC. 10 (a) The President is authorized—

(1) to prescribe the necessary rules and regulations to carry out the provisions of this Act;

* * * * *

(4) to utilize the services of any or all departments and any and all officers or agents of the United States and to accept the services of all officers and agents of the several States, Territories, and the District of Columbia and subdivisions thereof in the execution of this Act;

* * * * *

SEC. 14 (a) Every person shall be deemed to have notice of the requirements of this Act upon publication by the President of a proclamation or other public notice fixing a time for any registration under section 2.

* * * * *

WHEREAS on the sixteenth day of September, 1940, I issued a proclamation [1] calling upon all persons subject to registration in the several States of the United States and in the District of Columbia to present themselves for and submit to registration as provided by, and in accordance with, the aforesaid Act of Congress; and

WHEREAS such proclamation provides that "The times and places for registration in Alaska, Hawaii, and Puerto Rico will be fixed in subsequent proclamations.";

NOW, THEREFORE, I, FRANKLIN D. ROOSEVELT, President of the United States of America, under and by virtue of the authority vested in me by the aforesaid Selective Training and Service Act of 1940, do proclaim the following:

1. The first registration under the Selective Training and Service Act of 1940 for the Territory of Alaska shall take place in such Territory on Wednesday, the twenty-second day of January, 1941, between the hours of 7:00 A. M. and 9:00 P. M.

2. Every male person (other than persons excepted by section 5 (a) of the aforesaid Act and those previously registered pursuant to the said Proclamation of September 16, 1940, or pursuant to the Proclamation issued by me on the first day of October, 1940, providing for

[1] 5 F. R. 3699.

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THE PRESIDENT

RULES, REGULATIONS, ORDERS

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FEDERAL REGISTER

Published daily, except Sundays, Mondays, and days following legal holidays by the Division of the Federal Register, The National Archives, pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (49 Stat. 500), under regulations prescribed by the Administrative Committee, approved by the President.

The Administrative Committee consists of the Archivist or Acting Archivist, an officer of the Department of Justice designated by the Attorney General, and the Public Printer or Acting Public Printer.

The daily issue of the FEDERAL REGISTER will be furnished by mail to subscribers, free of postage, for $1.25 per month or $12.50 per year; single copies 10 cents each; payable in advance. Remit money order payable to the Superintendent of Documents directly to the Government Printing Office, Washington, D. C.

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registration for the Territory of Hawaii, or pursuant to the proclamation issued by me on the eighth day of October, 1940, providing for registration for Puerto Rico) who is a citizen of the United States residing in, or on January 22, 1941, is within, the Territory of Alaska, or who is an alien residing in such Territory, and who on the registration date fixed herein has attained the twenty-first anniversary of the date of his birth and has not attained the thirty-sixth anniversary of the date of his birth, is required to and shall on that date present himself for and submit to registration at the duly designated place of registration within the precinct, district, or registration area in which he has his home or in which he may happen to be on that date. Every such citizen and alien residing in the Territory of Alaska who is not within the Territory of Alaska on the registration date fixed herein shall within five days after his return to the Territory of Alaska present himself for and submit to registration. The provisions of Section XIV entitled "Special Cases of Registration", of Volume Two of the Selective Service Regulations prescribed by Executive Order No. 8545 of September 23, 1940,[1] shall, so far as they may be applicable, govern the registration of those who on account of sickness or other causes beyond their control are unable to present themselves for registration at the designated places of registration on the registration date fixed herein.

3. Every person subject to registration is required to familiarize himself with the rules and regulations governing registration and to comply therewith.

4. I call upon the Governor of the Territory of Alaska to provide suitable and sufficient places of registration and to provide suitable and necessary registration boards to effect such registration.

5. I further call upon the Governor of the Territory of Alaska and all officers and agents of the Territory of Alaska and subdivisions thereof to do and perform all acts and services necessary to accomplish effective and complete registration; and I especially call upon all local election officials and other patriotic citizens to offer their services as members of the boards of registration.

6. In order that there may be full cooperation in carrying into effect the purposes of said Act, I urge all employers and government agencies of all kinds—Federal and local—to give those under their charge sufficient time off in which to fulfill the obligations of registration incumbent on them under the said Act.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the United States to be affixed.

[1] 5 F.R. 3790.

DONE at the City of Washington this twelfth day of November in the year of our Lord nineteen hundred [SEAL] and forty, and of the Independence of the United States of America the one hundred and sixty-fifth.

FRANKLIN D ROOSEVELT

By the President:

CORDELL HULL
Secretary of State.

[No. 2442]

[F. R. Doc. 40-4876; Filed, November 14, 1940; 10:14 a. m.]

EXECUTIVE ORDER

CHANGING THE NAME OF THE LAKE BOWDOIN MIGRATORY WATERFOWL REFUGE TO BOWDOIN NATIONAL WILDLIFE REFUGE AND ADDING CERTAIN LANDS THERETO

MONTANA

By virtue of the authority vested in me as President of the United States, and by the act of June 25, 1910, c. 421, 36 Stat. 847, as amended by the act of August 24, 1912, c. 369, 37 Stat. 497, it is ordered as follows:

SECTION 1. The name of the Lake Bowdoin Migratory Waterfowl Refuge, in Phillips County, Montana, established by Executive Order No. 7295 of February 14, 1936, is hereby changed to Bowdoin National Wildlife Refuge.

SECTION 2. The following-described public lands, in Phillips County, Montana, comprising 1,398.16 acres, more or less, are hereby withdrawn from settlement, location, sale or entry, and, subject to valid existing rights, are included in and reserved as a part of the said Bowdoin National Wildlife Refuge:

Principal Meridian

T. 30 N., R. 31 E.,
sec. 15, NW¼NE¼ and N½NW¼;
T. 31 N., R. 31 E.,
sec. 23, SE¼NE¼;
sec. 24, N½ and SE¼;
sec. 25, N½NE¼;
T. 31 N., R. 32 E.,
sec. 19, lots 1, 2, 3, and 4, and E½W½;
sec. 30, lot 1, N½NE¼, and NE¼NW¼;
sec. 33, lots 1, 5, 6, and 7, S½NE¼, and NE¼SE¼.

SECTION 3. The lands herein reserved having been withdrawn for reclamation purposes in connection with the Milk River Irrigation Project and having been included in Petroleum Reserve No. 53, Montana No. 6, their reservation as an addition to the Bowdoin National Wildlife Refuge is subject to their use pursuant to the reclamation laws, and for the purpose of oil and gas development pursuant to the act of February 25, 1920 (41 Stat. 437), as amended, and for purposes incidental thereto.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,
November 12, 1940.

[No. 8592]

[F. R. Doc. 40-4865; Filed, November 13, 1940; 12:38 p. m.]

Rules, Regulations, Orders

TITLE 6—AGRICULTURAL CREDIT

CHAPTER I—FARM CREDIT ADMINISTRATION

[FCA 209]

PART 23—FEDERAL LAND BANK OF COLUMBIA

FEES FOR PREPAYMENT OF LAND BANK LOANS

Section 23.9 of Title 6, Code of Federal Regulations, is amended to read as follows:

§ 23.9 *Fees for prepayment of land bank loans.* The following fees shall be charged in connection with prepayment of land bank loans:

(a) If loan is five years or less old: Thirty days additional interest on unmatured principal at contract rate.

(b) If loan is more than five years old: No liquidation fee is charged. (Sec. 12 "Second," 39 Stat. 370, as amended; 12 U.S.C., 771 "Second"; 6 C.F.R. 10.386, 10.387) [Min. Bd. Dir., Oct. 16, 1940]

[SEAL] THE FEDERAL LAND BANK OF COLUMBIA,
By JULIAN H. SCARBOROUGH,
President.

[F. R. Doc. 40-4891; Filed, November 14, 1940; 11:36 a. m.]

TITLE 7—AGRICULTURE

CHAPTER VIII—SUGAR DIVISION OF THE AGRICULTURAL ADJUSTMENT ADMINISTRATION

PART 802—SUGAR DETERMINATIONS

DETERMINATION OF PROPORTIONATE SHARES FOR FARMS IN THE TERRITORY OF HAWAII FOR THE 1940 CROP

Pursuant to the provisions of section 302 (a) of the Sugar Act of 1937, as amended, I, Paul H. Appleby, Acting Secretary of Agriculture, do hereby make the following determination:

§ 802.36c *Determination of proportionate shares for farms in the Territory of Hawaii for the 1940 crop.* The proportionate share for each farm in the Territory of Hawaii for the 1940 crop shall be the amount of sugar, raw value, commercially recoverable from sugarcane grown on each farm and marketed (or processed by the producer) for the extraction of sugar during the calendar year 1940. (Sec. 302, 50 Stat. 910; 7 U.S.C., Supp. V, 1132)

Done at Washington, D. C. this 12th day of November 1940. Witness my hand and the seal of the Department of Agriculture.

[SEAL] PAUL H. APPLEBY,
Acting Secretary.

[F. R. Doc. 40-4870; Filed, November 13, 1940; 1:47 p. m.]

PART 802—SUGAR DETERMINATIONS

DETERMINATION OF FARMING PRACTICES TO BE CARRIED OUT IN CONNECTION WITH THE PRODUCTION OF SUGARCANE DURING THE CROP YEAR 1939-40 FOR PUERTO RICO

Pursuant to the provisions of section 301 (e) of the Sugar Act of 1937, I, Grover B. Hill, Acting Secretary of Agriculture, do hereby make the following determination:

§ 802.43b *Farming practices in connection with the production of the 1939–40 crop of sugarcane in Puerto Rico*—(a) *For all farms, except in the Island of Vieques.* The requirements of section 301 (e) of the Sugar Act of 1937 shall be deemed to have been met with respect to a farm in Puerto Rico, except in the Island of Vieques, if there are carried out during the calendar year 1939 the following farming practices:

(1) *Farms containing more than 400 acres of sugarcane.* For farms on which more than 400 acres of sugarcane are growing at any time during 1939:

(i) The application to land on which sugarcane is planted during 1939 of sufficient chemical fertilizer to provide an average quantity of plant food per acre fertilized equal to not less than the greater of either 150 pounds or 80 percent of the average quantity of plant food contained in the chemical fertilizer applied to similar land in 1937 or 1938, whichever was smaller.

(ii) The application to land on which a ratoon crop of sugarcane is started during 1939 of sufficient chemical fertilizer to provide an average of not less than 100 pounds of plant food per acre fertilized.

(2) *Farms containing more than 100, but not more than 400, acres of sugarcane.* For farms on which more than 100, but not more than 400, acres of sugarcane are growing at any time during 1939:

(i) The application to land on which sugarcane is planted during 1939 of chemical fertilizer in an amount averaging not less than 400 pounds per acre fertilized.

(ii) The application to land on which a ratoon crop of sugarcane is started during 1939 of chemical fertilizer in an amount averaging not less than 265 pounds per acre fertilized.

(3) *Farms containing more than 10, but not more than 100, acres of sugarcane.* For farms on which more than 10, but not more than 100, acres of sugarcane are growing at any time during 1939:

(i) The application to land on which sugarcane is planted during 1939 of chemical fertilizer in an amount averaging not less than 250 pounds per acre fertilized.

(ii) The application to land on which a ratoon crop of sugarcane is started during 1939 of chemical fertilizer in an amount averaging not less than 165 pounds per acre fertilized.

(iii) In lieu of the provisions of subparagraphs (i) and (ii) of this paragraph, the carrying out on the farm of any of the soil building practices contained in the 1939 Agricultural Conservation Program Bulletin, Puerto Rico, for which payment would be made in an amount equal to at least $1.00 per acre of land on which sugarcane is planted or a ratoon crop of sugarcane is started during 1939.

(4) *Farms containing not more than 10 acres of sugarcane.* For farms on which not more than 10 acres of sugarcane are growing at any time during 1939:

(i) The application during the 1939 harvest season to the land from which sugarcane is harvested of the tops and trash cut from such sugarcane; or

(ii) The application of fertilizer in the amounts, and to the types of land, set forth in subparagraphs (i) and (ii) of paragraph (a) (3) of this section; or

(iii) The carrying out on the farm of any of the soil building practices contained in the 1939 Agricultural Conservation Program Bulletin, Puerto Rico, for which payment would be made in an amount equal to at least $.50 per acre of land on which sugarcane is planted or a ratoon crop of sugarcane is started during 1939.

(b) *For farms in the Island of Vieques.* The requirements of said section 301 (e) of the Sugar Act of 1937 shall be deemed to have been met with respect to a farm in Puerto Rico in the Island of Vieques if there are carried out during the calendar year 1939 the following farming practices:

(1) *Farms containing more than 400 acres of sugarcane.* For farms on which more than 400 acres of sugarcane are growing at any time during 1939:

(i) The application to land on which sugarcane is planted during 1939 of sufficient chemical fertilizer to provide an average quantity of plant food per acre fertilized equal to not less than the greater of either 75 pounds or 80 percent of the average quantity of plant food contained in the chemical fertilizer applied to similar land in 1937 or 1938, whichever was smaller.

(ii) The application to land on which a ratoon crop of sugarcane is started during 1939 of sufficient chemical fertilizer to provide an average of not less than 50 pounds of plant food per acre fertilized.

(2) *Farms containing more than 100, but not more than 400, acres of sugarcane.* For farms on which more than 100, but not more than 400, acres of sugarcane are growing at any time during 1939:

(i) The application to land on which sugarcane is planted during 1939 of chemical fertilizer in an amount aver-

aging not less than 200 pounds per acre fertilized.

(ii) The application to land on which a ratoon crop of sugarcane is started during 1939 of chemical fertilizer in an amount averaging not less than 135 pounds per acre fertilized.

(3) *Farms containing more than 10, but not more than 100, acres of sugarcane.* For farms on which more than 10, but not more than 100, acres of sugarcane are growing at any time during 1939:

(i) The application to land on which sugarcane is planted during 1939 of chemical fertilizer in an amount averaging not less than 125 pounds per acre fertilized.

(ii) The application to land on which a ratoon crop of sugarcane is started during 1939 of chemical fertilizer in an amount averaging not less than 85 pounds per acre fertilized.

(iii) In lieu of the provisions of subparagraphs (i) and (ii) of this paragraph, the carrying out on the farm of any of the soil building practices contained in the 1939 Agricultural Conservation Program Bulletin, Puerto Rico, for which payment would be made in an amount equal to at least $1.00 per acre of land on which sugarcane is planted or a ratoon crop of sugarcane is started during 1939.

(4) *Farms containing not more than 10 acres of sugarcane.* For farms on which not more than 10 acres of sugarcane are growing at any time during 1939:

(i) The application during the 1939 harvest season to the land from which sugarcane is harvested of the tops and trash cut from such sugarcane; or

(ii) The application of fertilizer in the amounts, and to the types of land, set forth in subparagraphs (i) and (ii) of paragraph (b) (3) of this section; or

(iii) The carrying out on the farm of any of the soil building practices contained in the 1939 Agricultural Conservation Program Bulletin, Puerto Rico, for which payment would be made in an amount equal to at least $.50 per acre of land on which sugarcane is planted or a ratoon crop of sugarcane is started during 1939.

(c) *Minimum acreage requirements for the application of fertilizer.* In every case in which the application of fertilizer is required as aforesaid, the number of acres on which fertilizer is to be applied in 1939 shall not be less than 100 percent of the number of acres on which sugarcane is planted during 1939 and not less than 80 percent of the number of acres on which a ratoon crop of sugarcane is started during 1939: *Provided, however,* That if the requirement of this subsection (c) with respect to sugarcane planted during 1939 cannot be met because sugarcane was planted during the months of September, October, November and December of the year 1939, the farm shall be deemed in compliance if such requirement is met as soon as practicable (but in no event later than April 30, 1940) in accordance with schedules found best adapted for the locality, and the fact of such compliance is certified by the Officer in Charge of the Agricultural Adjustment Administration in Puerto Rico.

(d) *Additional credit in connection with 1939 Agricultural Conservation Program.* Where there is reference to payments which would be made under the terms of the 1939 Agricultural Conservation Program, Puerto Rico, in subparagraphs (3) (iii) and (4) (iii) of paragraphs (a) and (b), credit is to be allowed, in calculating the payment per acre, for chemical fertilizer applied, if any, at the rate of $.50 per hundred pounds gross weight.

(e) *Definitions.* Wherever used in this section, except in paragraph (d), chemical fertilizer and plant food are to be defined as follows: "Chemical fertilizer" means commercial chemical fertilizer of which not less than 15 percent of the gross weight consists of plant food. "Plant food" means the aggregate amount of nitrogen, available phosphoric acid, and water soluble potash.

This determination supersedes the Determination of Farming Practices to be Carried Out in Connection with the Production of Sugarcane During the Crop Year 1939–40 for Puerto Rico, Pursuant to the Sugar Act of 1937, issued May 9, 1939.[1] (Sec. 301, 50 Stat. 909; U.S.C., Supp. IV, 1131)

Done at Washington, D. C., this 14th day of November 1940. Witness by hand and the seal of the Department of Agriculture.

[SEAL] GROVER B. HILL,
Acting Secretary.

[F. R. Doc. 40-4897; Filed, November 14, 1940; 11:53 a. m.]

TITLE 10—ARMY: WAR DEPARTMENT

CHAPTER II—AIRCRAFT

PART 24—USE OF OTHER THAN GOVERNMENT-OWNED AIRCRAFT[2]

§ 24.1 *Piloting other than Government-owned aircraft.* In view of its military importance, all persons in the military service will be encouraged to familiarize themselves with all aspects of aviation. Participation in aviation activities as authorized below will not, in itself, be considered by the War Department as removing military personnel from a line of duty status. The commanding officer of any station and any commanding general are authorized to permit personnel under their command, regardless of the arm or service to which such personnel belong, to fly other than Government-owned aircraft, provided such personnel—

(a) Holds a currently effective certificate of competency or a student permit, issued under the authority of the Civil Aeronautics Authority, or is receiving instruction under a person possessing an air instructor certificate issued by the Civil Aeronautics Authority.

(b) Complies with the rules and regulations prescribed by the Civil Aeronautics Authority.

(c) Does not pilot aircraft for hire or reward or for any purpose that may be construed as competition with commercial aviation. (R.S. 161; 5 U.S.C. 22) [Par. 11, AR 95-15, April 21, 1930, as amended by Cir. 126, W.D., Nov. 1, 1940]

[SEAL] E. S. ADAMS,
Major General,
The Adjutant General.

[F. R. Doc. 40-4871; Filed, November 13, 1940; 2:10 p. m.]

[1] 4 F.R. 1957.

[2] Part 24 is added.

CHAPTER I—AID OF CIVIL AUTHORITIES AND PUBLIC RELATIONS

PART 5—SAFEGUARDING TECHNICAL INFORMATION

Correction

Paragraph d of the agreement which is a part of § 5.11 of F.R. Doc. 40-4832 (filed on November 9, 1940, at 1:05 p. m.) appearing on page 4452 of the issue for Wednesday, November 13, 1940, should be corrected to read as follows:

d. If a bid is not submitted on a project of a secret, confidential, or restricted nature as to which drawings, specifications, and accompanying inclosures, and models or materiel have been issued to the undersigned, or if a bid is made and not accepted, or in case award is made, upon the completion of the contract the undersigned will promptly return by hand, by registered mail, or by insured express, such drawings, specifications, and accompanying papers, or models or materiel, together with all copies thereof, to the office from which the original copies were received.

TITLE 14—CIVIL AVIATION

CHAPTER I—CIVIL AERONAUTICS AUTHORITY

[Amendment 80, Civil Air Regulations]

PART 60—AIR TRAFFIC RULES

IDENTIFICATION MARKS

At a session of the Civil Aeronautics Board of the Civil Aeronautics Authority held at its office in Washington, D. C., on the 12th day of November 1940.

Acting pursuant to the authority vested in it by the Civil Aeronautics Act of 1938, as amended, particularly sections 205 (a) and 601 (a) of said Act, and finding that its action is desirable in the public interest and is necessary to carry out the provisions of, and to exercise and perform its powers and duties under, said Act, the Civil Aeronautics Board amends the Civil Air Regulations as follows:

Effective November 12, 1940, the Civil Air Regulations, as amended, are amended as follows:

By striking the last sentence of § 60.320 and inserting in lieu thereof the following:

On aircraft other than conventional airplanes or gliders or on conventional aircraft where the design or dimensions of the wing prevent the display of the identification mark in the manner prescribed in these regulations, the identification mark shall be displayed in a manner satisfactory to the Administrator.

By the Civil Aeronautics Board.

[SEAL] THOMAS G. EARLY, *Secretary.*

[F. R. Doc. 40-4872; Filed, November 14, 1940; 9:42 a. m.]

TITLE 16—COMMERCIAL PRACTICES

CHAPTER I—FEDERAL TRADE COMMISSION

[Docket No. 2047]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

IN THE MATTER OF MODERN HAT WORKS

§ 3.69 (b) (1) *Misrepresenting oneself and goods—Goods—Composition:* § 3.69 (b) (9) *Misrepresenting oneself and goods—Goods—Old, secondhand or reconstructed as new—Old and used as unused or new:* § 3.71 (a) *Neglecting, unfairly or deceptively, to make material disclosure—Composition:* § 371 (c) *Neglecting, unfairly or deceptively, to make material disclosure—Old and used as unused or new.* Representing, in connection with offer, etc., in commerce, of hats, (1) that hats composed in whole or in part of used or secondhand materials are new or are composed of new materials by failure to stamp on the sweat bands thereof, in conspicuous and legible terms which cannot be removed or obliterated without mutilating the sweat bands, a statement that said products are composed of secondhand or used materials, or (2) representing in any manner that hats made in whole or in part from old, used or secondhand materials are new or are composed of new materials, prohibited; subject to the provision, however, that if sweat bands are not affixed to such hats then such stamping must appear on the bodies of such hats in conspicuous and legible terms which cannot be removed or obliterated without mutilating said bodies. (Sec. 5, 38 Stat. 719, as amended by Sec. 3, 52 Stat. 112; 15 U.S.C., Supp. IV, sec. 45b) [Cease and desist order, Modern Hat Works, Docket 2047, November 2, 1940]

In the Matter of Jacob Schachnow, an Individual, Trading as Modern Hat Works

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 2nd day of November, A. D. 1940.

This proceeding having been heard [1] by the Federal Trade Commission upon the amended and supplemental complaint of the Commission, testimony and other evidence taken before Robert S. Hall, an examiner of the Commission theretofore duly designated by it, in support of the allegations of said complaint and in opposition thereto, brief filed by counsel for the Commission (respondent not having filed brief and oral argument not having been requested), and the Commission having made its findings as to the facts and its conclusion that said respondent has violated the provisions of the Federal Trade Commission Act;

It is ordered, That the respondent, Jacob Schachnow, individually, and trading as Modern Hat Works, or trading under any other name or names, his representatives, agents and employees, directly or through any corporate or other device, in connection with the offering for sale, sale and distribution of hats in commerce, as commerce is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Representing that hats composed in whole or in part of used or second-hand materials are new or are composed of new materials, by failure to stamp on the sweat bands thereof, in conspicuous and legible terms which cannot be removed or obliterated without mutilating the sweat bands, a statement that said products are composed of second-hand or used materials, provided that if sweat bands are not affixed to such hats then such stamping must appear on the bodies of such hats in conspicuous and legible terms which cannot be removed or obliterated without mutilating said bodies;

2. Representing in any manner that hats made in whole or in part from old, used or second-hand materials are new or are composed of new materials.

It is further ordered, That the respondent shall, within sixty (60) days after service upon him of this order, file with the Commission a report in writing, setting forth in detail the manner and form in which he has complied with this order.

By the Commission.

[SEAL] OTIS B. JOHNSON, *Secretary.*

[F. R. Doc. 40-4886; Filed, November 14, 1940; 11:29 a. m.]

[Docket No. 2844]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

IN THE MATTER OF BASIC FOODS, INC., ET AL.

§ 3.6 (a) (25) *Advertising falsely or misleadingly—Business status, advantages or connections of advertiser—Qualifications:* § 3.6 (j10) *Advertising falsely or misleadingly—History of product:* § 3.6 (l) *Advertising falsely or misleadingly—Indorsements and testimonials:* § 3.6 (cc) (1) *Advertising falsely or misleadingly—Source or origin—Doctor's supervision of manufacture or preparation:* § 3.18 *Claiming indorsements or testimonials falsely:* § 3.96 (a) (2.5) *Using misleading name—Goods—History:* § 3.96 (a) (3.2) *Using misleading name—Goods—Indorsements and testimonials:* § 3.96 (a) (9) *Using misleading name—Goods—Source or origin—Doctor's supervision.* Using, in connection with offer, etc., in commerce, of "Dr. Springer's Antediluvian Tea" and "Dr. Springer's Re-Hib", or other similar medicinal preparations, the word "doctor" or any abbreviation thereof, to designate, identify or refer to any person or product when the person so designated is not, or has not been, a physician or practitioner of medicine, duly licensed as such to practice medicine by a recognized governmental authority, and when the product so designated or identified is not the product or prescription of, and approved or sponsored by, such a physician or practitioner of medicine, prohibited. (Sec. 5, 38 Stat. 719, as amended by Sec. 3, 52 Stat. 112; 15 U.S.C., Supp. IV, sec. 45b) [Cease and desist order, Basic Foods, Inc., et al., Docket 2844, November 1, 1940]

§ 3.6 (y10) *Advertising falsely or misleadingly—Scientific or other relevant facts.* Representing, in connection with offer, etc., in commerce, of "Dr. Springer's Antediluvian Tea" and "Dr. Springer's Re-Hib", or other similar medicinal preparations, that the majority of human aches and pains are due to congestion of the glands and organs of the body, or to constipation or over-acid conditions, prohibited. (Sec. 5, 38 Stat. 719, as amended by Sec. 3, 52 Stat. 112; 15 U.S.C., Supp. IV, sec. 45b) [Cease and desist order, Basic Foods, Inc., et al., Docket 2844, November 1, 1940]

§ 3.6 (t) *Advertising falsely or misleadingly—Qualities or properties of product:* § 3.6 (y) *Advertising falsely or misleadingly—Safety.* Representing, in connection with offer, etc., in commerce, of "Dr. Springer's Antediluvian Tea" and "Dr. Springer's Re-Hib", or other similar medicinal preparations, that the preparations called "Dr. Springer's Antediluvian Tea" and "Dr. Springer's Re-Hib", or any products of like or substantially similar composition, may be beneficially or safely taken by all persons, prohibited. (Sec. 5, 38 Stat. 719, as amended by Sec. 3, 52 Stat. 112; 15 U.S.C., Supp. IV, sec. 45b) [Cease and desist order, Basic Foods, Inc., et al., Docket 2844, November 1, 1940]

§ 3.6 (t) *Advertising falsely or misleadingly—Qualities or properties of product.* Representing, in connection with offer, etc., in commerce, of "Dr. Springer's Antediluvian Tea" and "Dr. Springer's Re-Hib", or other similar medicinal preparations, that the preparation called "Dr. Springer's Antediluvian

[1] 5 F.R. 50.

Tea", or any product of like or substantially similar composition, has any beneficial, curative or remedial value for any malady or diseased condition of the human body, or possesses any therapeutic value in the treatment of kidney trouble, diseased tonsils, stiff and aching joints, swollen feet, heartburn, insomnia, nervousness, or in the treatment of any other condition of the human body except to the extent the symptoms thereof may be relieved by the administration of a mild laxative, prohibited. (Sec. 5, 38 Stat. 719, as amended by Sec. 3, 52 Stat. 112; 15 U.S.C., Supp. IV, sec. 45b) [Cease and desist order, Basic Foods, Inc., et al., Docket 2844, November 1, 1940]

§ 3.6 (t) *Advertising falsely or misleadingly—Qualities or properties of product.* Representing, in connection with offer, etc., in commerce, of "Dr. Springer's Antediluvian Tea" and "Dr. Springer's Re-Hib", or other similar medicinal preparations, that the preparation called "Dr. Springer's Re-Hib", or any product of like or substantially similar composition, has any beneficial, curative or remedial value for any condition or malady of the human body, or possesses any therapeutic value in the treatment of any condition or malady of the human body except to the extent that such condition or malady is caused by hyper-acidity of the stomach which may be relieved by the administration of said product as a palliative or acid neutralizer, and except to the extent that the digestion of foods may be aided by the administration of said product as a digestant, prohibited. (Sec. 5, 38 Stat. 719, as amended by Sec. 3, 52 Stat. 112; 15 U.S.C., Supp. IV, sec. 45b) [Cease and desist order, Basic Foods, Inc., et al., Docket 2844, November 1, 1940]

§ 3.6 (j) (3) *Advertising falsely or misleadingly — Government approval, connection or standards — Government indorsement:* § 3.18 *Claiming indorsements or testimonials falsely.* Representing, in connection with offer, etc., in commerce, of "Dr. Springer's Antediluvian Tea" and "Dr. Springer's Re-Hib", or other similar medicinal preparations, that any of respondents' products are approved by any governmental agency, prohibited. (Sec. 5, 38 Stat. 719, as amended by Sec. 3, 52 Stat. 112; 15 U. S. C., Supp. IV, sec. 45b) [Cease and desist order, Basic Foods, Inc., et al., Docket 2844, November 1, 1940]

In the Matter of Basic Foods, Inc., a corporation, and Curtis Howe Springer

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 1st day of November, A. D. 1940.

This proceeding having been heard[1] by the Federal Trade Commission upon the complaint of the Commission, testimony and other evidence taken before Edward E. Reardon and John L. Horner, examiners of the Commission, therefore duly designated by it, in support of the allegations of the complaint and in opposition thereto, and brief of counsel for the Commission, (respondents having filed no answer to the complaint and no brief in opposition to the allegations of the complaint, and no request for oral argument having been made) and the Commission having made its findings as to the facts and its conclusion that said respondents have violated the provisions of the Federal Trade Commission Act:

It is ordered, That the respondents, Basic Foods, Inc., a corporation, its officers, representatives, agents and employees, and Curtis Howe Springer, an individual, his representatives, agents and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of medicinal preparations now designated as "Dr. Springer's Antediluvian Tea" and "Dr. Springer's Re-Hib," or any other medicinal preparation or preparations containing substantially similar ingredients or possessing substantially similar therapeutic properties, whether sold or distributed under the same name or names or under any other name or names, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

(1) Using the word "doctor" or any abbreviation thereof, to designate, identify or refer to any person or product when the person so designated is not, or has not been, a physician or practitioner of medicine, duly licensed as such to practice medicine by a recognized governmental authority, and when the product so designated or identified is not the product or prescription of, and approved or sponsored by, such a physician or practitioner of medicine.

(2) Representing that the majority of human aches and pains are due to congestion of the glands and organs of the body, or to constipation or over-acid conditions.

(3) Representing that the preparations called "Dr. Springer's Antediluvian Tea" and "Dr. Springer's Re-Hib", or any products of like or substantially similar composition, may be beneficially or safely taken by all persons.

(4) Representing that the preparation called "Dr. Springer's Antediluvian Tea", or any product of like or substantially similar composition, has any beneficial, curative or remedial value for any malady or diseased condition of the human body; or possesses any therapeutic value in the treatment of kidney trouble, diseased tonsils, stiff and aching joints, swollen feet, heartburn, insomnia, nervousness, or in the treatment of any other condition of the human body except to the extent the symptoms thereof may be relieved by the administration of a mild laxative.

(5) Representing that the preparation called "Dr. Springer's Re-Hib," or any product of like or substantially similar composition, has any beneficial, curative or remedial value for any condition or malady of the human body, or possesses any therapeutic value in the treatment of any condition or malady of the human body except to the extent that such condition or malady is caused by hyperacidity of the stomach which may be relieved by the administration of said product as a palliative or acid neutralizer, and except to the extent that the digestion of foods may be aided by the administration of said product as a digestant.

(6) Representing that any of respondents' products are approved by any governmental agency.

It is further ordered, That the respondents shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

By the Commission.

[SEAL] OTIS B. JOHNSON, *Secretary.*

[F. R. Doc. 40-4682; Filed, November 14, 1940; 11:28 a. m.]

[Docket No. 3416]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

IN THE MATTER OF A. T. CHERRY COMPANY ETC.

§ 3.55 *Furnishing means and instrumentalities of misrepresentation or deception:* § 3.66 (f) *Misbranding or mislabeling—Price:* § 3.69 (c) (2.5) *Misrepresenting oneself and goods—Prices—Exaggerated as regular and customary:* § 3.69 (c) (3) *Misrepresenting oneself and goods—Prices—Fictitious marking.* In connection with offer, etc., in commerce, of soap or soap products, (1) using the expression "Combination Deal 75¢" or the price mark "75¢", or any other expression or price marks indicating a price, on the container in which soap or soap products are sold, unless the quantity of soap or soap products enclosed in said container is regularly and customarily offered for sale or sold at 75 cents, or the sum indicated; (2) representing as the customary or regular retail prices for soap or soap products prices which are in fact fictitious and in excess of the prices at which said products are regularly and customarily offered for sale and sold in the normal course of business; or (3) supplying to, or placing in the hands of, house-to-house canvassers or others purchasing for resale any soap or soap products price marked or branded in violation of prohibitions (1) and (2) above set forth; prohibited. (Sec. 5, 38 Stat. 719, as amended by Sec. 3, 52 Stat. 112; 15 U.S.C., Supp. IV, sec. 45b) [Cease and desist order, A. T. Cherry Company etc., Docket 3416, November 2, 1940]

[1] 2 F.R. 770.

In the Matter of Albert T. Cherry, an Individual, Doing Business as A. T. Cherry Company and as Atco Soap Company

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 2nd day of November, A. D. 1940.

This proceeding having been heard [1] by the Federal Trade Commission upon the complaint of the Commission, testimony and other evidence taken before trial examiners of the Commission, theretofore duly designated by it, and brief filed herein in support of the allegations of the complaint (no brief having been filed by respondent and oral argument not having been requested), and the Commission having made its findings as to the facts and its conclusion that said respondent has violated the provisions of the Federal Trade Commission Act;

It is ordered, That the respondent, Albert T. Cherry, an individual, trading and doing business as A. T. Cherry Company or as Atco Soap Company, or trading under any other name, his agents, employees and representatives, directly or through any corporate or other device, in connection with the offering for sale, sale and distribution of soap or soap products in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

(1) Using the expression "Combination Deal 75¢" or the price mark "75¢", or any other expression or price marks indicating a price, on the container in which soap or soap products are sold, unless the quantity of soap or soap products enclosed in said container is regularly and customarily offered for sale or sold at 75¢, or the sum indicated;

(2) Representing as the customary or regular retail prices for soap or soap products prices which are in fact fictitious and in excess of the prices at which said products are regularly and customarily offered for sale and sold in the normal course of business;

(3) Supplying to, or placing in the hands of, house-to-house canvassers or others purchasing for resale any soap or soap products price marked or branded in violation of paragraphs (1) and (2) of this order.

It is further ordered, That the respondent shall, within sixty (60) days after service upon him of this order, file with the Commission a report in writing, setting forth in detail the manner and form in which he has complied with this order.

By the Commission.

[SEAL] OTIS B. JOHNSON, *Secretary.*

[F. R. Doc. 40-4883; Filed, November 14, 1940; 11:28 a. m.]

[1] 3 F.R. 2316.

[Docket No. 4238]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

IN THE MATTER OF R. F. BEMPORAD & COMPANY, INC.

§ 3.6 (m10) *Advertising falsely or misleadingly—Manufacture or preparation:* § 3.6 (n) (2) *Advertising falsely or misleadingly—Nature—Product:* § 3.6 (cc) (4) *Advertising falsely or misleadingly—Source or origin—Place:* § 3.96 (a) (3.5) *Using misleading name—Goods—Manufacture:* § 3.96 (a) (4) *Using misleading name—Goods—Nature:* § 3.96 (a) (9) *Using misleading name—Goods—Source or origin—Place.* Using, in connection with offer, etc., in commerce, of rugs and other merchandise, the words "Hong Kong", "Canton", "Kina", or other names indicative of Chinese origin, as descriptive of rugs which are not in fact made in China and which do not possess all the essential characteristics and structure of Chinese Oriental rugs, prohibited. (Sec. 5, 38 Stat. 719, as amended by Sec. 3, 52 Stat. 112; 15 U.S.C., Supp. IV, sec. 45b) [Cease and desist order, R. F. Bemporad & Company, Inc., Docket 4238, November 2, 1940]

§ 3.6 (m10) *Advertising falsely or misleadingly—Manufacture or preparation:* § 3.6 (n) (2) *Advertising falsely or misleadingly — Nature — Product:* § 3.6 (cc) (4) *Advertising falsely or misleadingly—Source or origin—Place:* § 3.96 (a) (3.5) *Using misleading name—Goods—Manufacture:* § 3.96 (a) (4) *Using misleading name—Goods—Nature:* § 3.96 (a) (9) *Using misleading name—Goods—Source or origin—Place.* Using, in connection with offer, etc., in commerce, of rugs and other merchandise, the words "Mahah", "Kirma", "Orienta", "Bagdad", or names indicative of the Orient, as descriptive of rugs which are not in fact made in the Orient and which do not possess all the essential characteristics and structure of Oriental rugs, prohibited. (Sec. 5, 38 Stat. 719, as amended by Sec. 3, 52 Stat. 112; 15 U.S.C., Supp. IV, sec. 45b) [Cease and desist order, R. F. Bemporad & Company, Inc., Docket 4238, November 2, 1940]

§ 3.6 (m10) *Advertising falsely or misleadingly—Manufacture or preparation:* § 3.6 (n) (2) *Advertising falsely or misleadingly—Nature—Product.* Using, in connection with offer, etc., in commerce, of rugs and other merchandise, the word "Reproduction", or any similar word which imports that the article to which such word is applied is a replica or duplicate of an original, as descriptive of rugs which are not in fact reproductions of the type named: to-wit, true counterparts or reconstructions thereof in all respects, including material, prohibited. (Sec. 5, 38 Stat. 719, as amended by Sec. 3, 52 Stat. 112; 15 U.S.C., Supp. IV, sec. 45b) [Cease and desist order, R. F. Bemporad & Company, Inc., Docket 4238, November 2, 1940]

§ 3.6 (cc) (4) *Advertising falsely or misleadingly—Source or origin—Place—Foreign product as domestic:* § 3.96 (a) (9) *Using misleading name—Goods—Source or origin—Place—Foreign product as domestic.* Using, in connection with offer, etc., in commerce, of rugs and other merchandise, the words "Old Cabin", "Boston", or other distinctively American names, as descriptive of rugs which are not in fact made in the United States, prohibited. (Sec. 5, 38 Stat. 719, as amended by Sec. 3, 52 Stat. 112; 15 U.S.C., Supp. IV, sec. 45b) [Cease and desist order, R. F. Bemporad & Company, Inc., Docket 4238, November 2, 1940]

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 2nd day of November, A. D. 1940.

This proceeding having been heard by the Federal Trade Commission upon the complaint of the Commission and the answer of the respondent, in which answer respondent admits all material allegations of fact set forth in said complaint and waives hearing on the allegations of fact set forth in the complaint, and the Commission having made its findings as to the facts and conclusion that said respondent has violated the provisions of the Federal Trade Commission Act;

It is ordered, That the respondent, R. F. Bemporad & Company, Inc., a corporation, its officers, representatives, agents and employees, directly or through any corporate or other device, in connection with the offering for sale, sale, and distribution of rugs and other merchandise in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

(1) Using the words "Hong Kong", "Canton", "Kina", or other names indicative of Chinese origin, as descriptive of rugs which are not in fact made in China and which do not possess all the essential characteristics and structure of Chinese Oriental rugs;

(2) Using the words "Mahah", "Kirma", "Orienta", "Bagdad", or names indicative of the Orient, as descriptive of rugs which are not in fact made in the Orient and which do not possess all the essential characteristics and structure of Oriental rugs;

(3) Using the word "Reproduction", or any similar word which imports that the article to which such word is applied is a replica or duplicate of an original, as descriptive of rugs which are not in fact reproductions of the type named: to-wit, true counterparts or reconstructions thereof in all respects, including material;

(4) Using the words "Old Cabin," "Boston," or other distinctively American

names, as descriptive of rugs which are not in fact made in the United States.

It is further ordered, That the respondent shall, within sixty (60) days after service upon it of this order, file with the Commission a report in writing, setting forth in detail the manner and form in which it has complied with this order.

By the Commission.

[SEAL] OTIS B. JOHNSON, *Secretary.*

[F. R. Doc. 40-4884; Filed, November 14, 1940; 11:28 a. m.]

TITLE 30—MINERAL RESOURCES

CHAPTER III—BITUMINOUS COAL DIVISION

[Order No. 306]

PART 331—MINIMUM PRICE SCHEDULE, DISTRICT NO. 11

SUBPART A—ALL SHIPMENTS EXCEPT TRUCK

Order Correcting Errors Pertaining to Mine Index Nos. 104, 106, 108 and 112 in Supplement No. 2

It having been called to the attention of the Director that Supplement No. 2 to the Schedule of Effective Minimum Prices for District No. 11, (§ 331.5 *Alphabetical List of Code members*[1]) for All Shipments Except Truck, provides that Mine Index 104 (Raney, Robert, R. & G. 4th Vein Coal Company, R. & G. Mine) and Mine Index 106 (Morgan, Ray, Morgan Mine) shall be subject to the same adjustments in f. o. b. mine prices on account of differences in freight rates as are applicable to other mines in Freight Origin Groups 67 and 90, respectively, although these are the only mines included in Freight Origin Groups 67 and 90; and

The Director after consideration of the matter having concluded that a clarification of Supplement No. 2 with respect to these adjustments is necessary;

Now, therefore, it is ordered, That the second sentence of the first paragraph in the part applicable to Mine Index 104 in Supplement No. 2 to the Schedule of Effective Minimum Prices for District No. 11 for All Shipments Except Truck shall be amended to read (§ 331.5, *Alphabetical List of Code members*):

Mine Index 104 shall also be accorded the same adjustments in f. o. b. mine prices on account of differences in freight rates as are applicable to other mines in the Linton-Sullivan sub-producing district having the same freight rates as Mine Index 104;

It is further ordered, That the second sentence of the part applicable to Mine Index 106 in Supplement No. 2 to the Schedule of Effective Minimum Prices for District No. 11 for All Shipments Except Truck shall be amended to read (§ 331.5, *Alphabetical List of Code members*):

Mine Index 106 shall also be accorded the same adjustments in f. o. b. mine prices on account of differences in freight rates as are applicable to other mines in the Brazil-Clinton sub-producing district having the same freight rates as Mine Index 106.

It having also been brought to the Director's attention that Mine Index 108 (Sherwood-Templeton Coal Company, Friar Tuck 5 Mine) and Mine Index 112 (Sherwood-Templeton Coal Company, Friar Tuck 7 Mine) were both listed in the aforementioned Supplement No. 2 as being included in Freight Origin Group 61; and

The Director, after due consideration of the matter, having concluded that both said mines should properly be included in Freight Origin Group 64, and that the figure 61 appears in the above-mentioned schedule through a clerical error;

Now, therefore, it is ordered, That Supplement No. 2 to the Schedule of Effective Minimum Prices for District No. 11 for All Shipments Except Truck (§ 331.5, *Alphabetical List of Code members*) be amended to show Mine Index Nos. 108 and 112 as being included in Freight Origin Group 64, and that both of said mines shall be accorded the same adjustments in f. o. b. mine prices on account of differences in freight rates as are applicable to other mines in Freight Origin Group 64.

It is further ordered, That applications to stay, terminate or modify this order may be filed within forty-five (45) days hereof, pursuant to the rules and regulations governing practice and procedure before the Division, and that this order shall become final sixty (60) days from the date hereof unless the Director shall otherwise order.

Dated: November 13, 1940.

[SEAL] H. A. GRAY, *Director.*

[F. R. Doc. 40-4887; Filed, November 14, 1940; 11:32 a. m.]

TITLE 49—TRANSPORTATION AND RAILROADS

CHAPTER I—INTERSTATE COMMERCE COMMISSION

[Ex Parte No. MC-2]

ORDER IN THE MATTER OF MAXIMUM HOURS OF SERVICE OF MOTOR CARRIER EMPLOYEES

At a general session of the Interstate Commerce Commission held at its office in Washington, D. C., on the 4th day of November, A. D. 1940.

It appearing, that by report and order entered January 27, 1939, 11 M.C.C. 203,[1] the Commission prescribed hours of service regulations applicable to drivers employed by common and contract carriers when engaged in interstate or foreign commerce;

It further appearing, that by report and order entered September 30, 1940, in Ex Parte No. MC-3, the Commission, Division 5, prescribed similar regulations applicable to drivers employed by private carriers of property when engaged in interstate or foreign commerce;

And it further appearing, that the Commission has given further consideration to the matters and things involved, and that the Commission, on the date hereof, has made and filed a supplemental report in Ex Parte No. MC-2, which supplemental report and the report and order of January 27, 1939, are hereby referred to and made a part hereof:[2]

It is ordered, That effective December 10, 1940, said order of January 27, 1939, be and it is hereby, amended so as to insert after the first sentence of Rule 1 (d) of said hours of service regulations as it applies to common and contract carriers by motor vehicle, the following: "For the purpose of computing an interval in excess of 10 minutes, all stops made in any one village, town or city may be computed as one if the driver has not driven or operated the motor vehicle more than 10 miles in such village, town or city."

It is further ordered, That effective December 10, 1940, said order of January 27, 1939, be, and it is hereby, further amended so as to add after the word "municipalities" at the end of the first proviso of Rule 5 (a) of said hours of service regulations, as it applies to common and contract carriers by motor vehicle, the following: "or within a zone adjacent to and commercially a part of any such municipality or municipalities;"

It is further ordered, That effective December 10, 1940, said order of January 27, 1939, be, and it is hereby, further amended so as to add at the end of Rule 3 (a) of the hours of service regulations the following: *"Provided further, however*, That this rule shall not apply with respect to drivers of motor vehicles engaged solely in making deliveries for retail stores during the period from December 10 to December 25, both inclusive, of each year."

And it is further ordered, That in all other respects said order of January 27, 1939, shall remain in full force and effect.

By the Commission.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 40-4878; Filed, November 14, 1940; 11:19 a. m.]

[1] 5 F.R. 4019.

[1] 4 F.R. 475.

[2] Filed as a part of the original document.

Notices

TREASURY DEPARTMENT.

Bureau of the Public Debt.

THREE AND THREE-EIGHTHS PERCENT TREASURY BONDS OF 1941–43

NOTICE OF CALL FOR REDEMPTION

To Holders of 3⅜ percent Treasury Bonds of 1941–43, and Others Concerned:

1. Public notice is hereby given that all outstanding 3⅜ percent Treasury Bonds of 1941–43, dated March 16, 1931, are hereby called for redemption on March 15, 1941, on which date interest on such bonds will cease.

2. Full information regard the presentation and surrender of the bonds for redemption under this call will be given in a Treasury Department circular to be issued later.

3. Holders of these bonds may, in advance of the redemption date, be offered the privilege of exchanging all or any part of their called bonds for other interest-bearing obligations of the United States, in which event public notice will hereafter be given.

[SEAL] HENRY MORGENTHAU, Jr.,
Secretary of the Treasury.

NOVEMBER 14, 1940.

[F. R. Doc. 40–4877; Filed, November 14, 1940; 11:00 a. m.]

WAR DEPARTMENT.

[Contract No. W 6665 qm–3; O. I. No. 52]

SUMMARY OF CONTRACT FOR CONSTRUCTION

CONTRACTOR: FORD J. TWAITS DOING BUSINESS AS FORD J. TWAITS COMPANY AND MORRISON-KNUDSEN COMPANY, INC.

Contract for:

The furnishing of material and equipment and performing all labor necessary to construct and complete the following type buildings and services: * * * Buildings.

Amount: $2,731,000.00.

Place: at Camp Ord, California.

This contract, entered into this 28th day of August 1940.

Statement of work. The contractor shall furnish the materials, and perform the work for construction and completion of the following type buildings and services: * * * for the consideration of Two Million Seven Hundred Thirty-One Thousand Dollars and No Cents, ($2,731,000.00) in strict accordance with the specifications, schedules, and drawings, all of which are made a part hereof.

Delays—Damages. If the contractor refuses or fails to prosecute the work, or any separable part thereof, with such diligence as will insure its completion within the time specified in article 1, or any extension thereof, or fails to complete said work within such time, the Government may, by written notice to the contractor, terminate his right to proceed with the work or such part of the work as to which there has been delay. In such event the Government may take over the work and prosecute the same to completion, by contract or otherwise, and the contractor and his sureties shall be liable to the Government for any excess cost occasioned the Government thereby. If the contractor's right to proceed is so terminated, the Government may take possession of and utilize in completing the work such materials, appliances, and plant as may be on the site of the work and necessary therefor. If the Government does not terminate the right of the contractor to proceed, the contractor shall continue the work, in which event the actual damages for the delay will be impossible to determine and in lieu thereof the contractor shall pay to the Government as fixed, agreed, and liquidated damages for each calendar day of delay until the work is completed or accepted the amount as set forth in the specifications or accompanying papers and the contractor and his sureties shall be liable for the amount thereof.

Payments to contractors. Unless otherwise provided in the specifications, partial payments will be made as the work progresses at the end of each fifteen (15) days, or as soon thereafter as practicable, on estimates made and approved by the contracting officer.

This contract is authorized by the acts of Supplemental Military Appropriation Act, 1941, Public No. 611–76th Congress, approved June 13, 1940.

NEAL H. MCKAY,
Major, Quartermaster Corps,
Assistant to the Director
of Purchases and Contracts.

[F. R. Doc. 40–4873; Filed, November 14, 1940; 9:42 a. m.]

[Contract No. W 535 ac–15785 (3709)]

SUMMARY OF COST-PLUS-A-FIXED-FEE SUPPLY CONTRACT

CONTRACTOR: CURTISS WRIGHT CORPORATION (ST. LOUIS AIRPLANE DIVISION)

Contract for: * * * Model C–46 airplanes, spare parts, and data.

Estimated cost: $11,707,657.00.

Fixed-fee: $702,459.42.

The supplies and services to be obtained by this instrument are authorized by, are for the purpose set forth in, and are chargeable to the following Procurement Authorities, the available balances of which are sufficient to cover the cost of the same:

AC 34–P12–3037–A–0705–01--- $11,283,180.60
AC 28–P82–3037–A–0705–01--- 1,126,935.82

This contract, entered into this 9th day of September, 1940.

The Contractor shall, within the time specified in Article 4 hereof, manufacture, furnish and deliver to the Government the following articles: * * * Model C–46 airplanes, spare parts, and data.

The Government shall furnish, without cost to the Contractor, f. o. b. freight station, Robertson, Missouri, all equipment mentioned in Contractor's Specification Report No. 20–Z16, hereinbefore referred to, and elsewhere mentioned in this contract as being furnished by the Government.

Any costs incurred by the Contractor under the terms of this contract which would constitute an allowable item of cost under the provisions of paragraph (b) of Article 3 hereof shall be included in determining the amount payable under this contract.

Estimated costs (based upon data on file in the office of the Chief of Air Corps).

Item	Quantity	Estimated cost
1	Type C–46 airplanes	$10,631,474.00
2	Spare parts for above airplanes	1,063,147.00
3 to 8, inclusive	Data	13,036.00
Total estimated cost		11,707,657.00

The Government will pay the contractor upon satisfactory delivery of all items specified in the contract, subject to partial payments as outlined in Article 6 hereof, the cost, plus a fixed fee of Seven Hundred Two Thousand Four Hundred Fifty Nine Dollars and Forty Two Cents ($702,459.42), being six percent of the total estimated cost of Eleven Million Seven Hundred Seven Thousand Six Hundred Fifty Seven and no/100 dollars ($11,707,657.00).

The Contracting Officer may, at any time, by a written order and without notice to the sureties, make changes in or additions to the drawings and specifications, issue additional instructions, require additional work, or direct the omission of work covered by the contract.

Reimbursement for cost. The Government will currently reimburse the Contractor for such expenditures made in accordance with Article 3 as may be approved or ratified and upon certification to and verification by the Contracting Officer. Generally, reimbursement will be made weekly but may be made at more frequent intervals if the conditions so warrant.

Payment of the fixed fee. Ninety percent (90%) of the fixed fee of six percent (6%) set forth in paragraph (a) of Article 3 hereof, shall be paid as it accrues, in monthly installments or in such other periodic installments as may be agreed upon by the parties hereto based upon the percentage of the completion of the work as determined from estimates made and approved by the Contracting Officer.

Should the Contractor at any time refuse, neglect, or fail to prosecute the work with promptness and diligence, or default in the performance of any of the agreements herein contained, or should condi-

tions arise which make it advisable or necessary in the interest of the Government that work be discontinued under this contract, the Government may terminate this contract by a notice in writing from the Contracting Officer to the Contractor.

The title to all property upon which any partial payment is made prior to the completion of this contract, shall vest in the Government.

It is expressly understood and agreed by both parties hereto that the contractor hereby agrees:

To pay into the Treasury profit, as hereinafter provided shall be determined by the Treasury Department, in excess of 12 per centum of the total contract prices, of such contracts within the scope of the law as are completed by the particular contracting party within the income taxable year.

This contract authorized under the provisions of Section 1 (a), Act of July 2, 1940. (Pub. 703, 76th Congress)

NEAL H. MCKAY,
Major, Quartermaster Corps,
Assistant to the Director
of Purchases and Contracts.

[F. R. Doc. 40-4875; Filed, November 14, 1940; 9:43 a. m.]

[Contract W 535 ac-15847 (3730)]

SUMMARY OF COST-PLUS-A-FIXED-FEE SUPPLY CONTRACT

CONTRACTOR: DOUGLAS AIRCRAFT COMPANY, INC.

Contract for: * * * Airplanes, DC-3 (Contractor's Model 360) and spare parts.

Estimated cost: $19,084,136.00.

Fixed-fee: $1,145,048.16 subject to increase as set forth in Article 3 (a).

The supplies and services to be obtained by this instrument are authorized by, and for the purpose set forth in, and are chargeable to the following Procurement Authorities, the available balances of which are sufficient to cover the cost of the same:

AC 34-P12-3037-A-0705-01	$17,105,236.96
AC 28-P82-3037-A-0705-01	1,745,735.20
AC 34-P12-3037-A-0705-01 (Navy)	1,378,212.00

This contract, entered into this 9th day of September 1940.

The Contractor shall, within the time specified in Article 4 hereof, manufacture, furnish and deliver to the Government the following articles: * * * Airplanes, DC-3 (Contractor's Model 360) and Spare Parts.

The Government shall furnish, without cost to the Contractor, f. o. b. freight station, Santa Monica, California, all equipment mentioned in Contractor's Detailed Specification D-s360, as revised, hereinbefore referred to and elsewhere mentioned in this contract as being furnished by the Government.

Any costs incurred by the Contractor under the terms of this contract which would constitute an allowable item of cost under the provisions of paragraph (b) of Article 3 hereof shall be included in determining the amount payable under this contract.

Estimated costs (based upon data on file in the office of the Chief of Air Corps)

Item	Quantity	Estimated cost
1	* * * Airplanes	$17,249,320.00
	Spare parts	1,820,280.00
2	Data	14,536.00
3 to 8, inclusive		19,084,136.00
Total estimated costs.		

Consideration. The Government will pay the Contractor upon satisfactory delivery of all items specified in the contract, subject to partial payments as outlined in Article 6 hereof, the cost, plus a base fixed fee of One Million One Hundred Forty-Five Thousand, Forty-Eight Dollars and Sixteen Cents ($1,145,048.16), being six percent (6%) of the total estimated cost of Nineteen Million Eighty-Four Thousand One Hundred Thirty-Six Dollars ($19,084,136.00), which fee shall be increased by an additional one percent (1%) thereof ($190,841.36) if the payment of a fixed fee of seven percent (7%) (upon which basis the original negotiations for this contract were conducted) shall be lawful in connection with this contract.

Changes. The Contracting Officer may, at any time, by a written order and without notice to the sureties, make changes in or additions to the drawings and specifications, issue additional instructions, require additional work, or direct the omission of work covered by the contract.

Reimbursement for cost. At any time and from time to time after the execution of this contract the Government at the request of the Contractor shall advance to the Contractor, without payment of interest therefor by the Contractor, an amount or amounts not to exceed in the aggregate thirty per centum (30%) of the total estimated cost, such an advance or advances shall be made upon terms and conditions and with such adequate security as the Secretary of War shall prescribe.

Payment of the fixed fee. Ninety percent (90%) of the base fixed fee set forth in paragraph (a) of Article 3 hereof, shall be paid as it accrues, in monthly installments based upon the percentage of the completion of the work as determined from estimates made and approved by the Contracting Officer.

Termination of contract by Government. Should the Contractor at any time refuse, neglect, or fail to prosecute the work with promptness and diligence, or default in the performance of any of the agreements herein contained, or should conditions arise which make it advisable or necessary in the interest of the Government that work be discontinued under this contract, the Government may terminate this contract by a notice in writing from the Contracting Officer to the Contractor.

Title to property. The title to all work under this contract, completed or in the course of manufacture or assembly at the Contractor's plant, shall be in the Government. Upon deliveries at the Contractor's plant or at an approved storage site, title to all purchased materials, parts, assemblies, sub-assemblies, tools, machinery, equipment and supplies, for which the Contractor shall be entitled to be reimbursed hereunder shall vest in the Government.

It is expressly understood and agreed by both parties hereto that the Contractor hereby agrees:

To pay into the Treasury profit, as hereinafter provided shall be determined by the Treasury Department, in excess of 12 per centum of the total contract prices, of such contracts within the scope of the law as are completed by the particular contracting party within the income taxable year.

Termination upon demand of the contractor. This contract is entered into on the assumption that the emergency plant facilities which are essential to the performance by the Contractor of the production and delivery obligations of this contract are to be promptly and reasonably constructed and acquired either by the Government for the use of the Contractor for this contract (in which case the same shall be made available to the Contractor for the period necessary to performance) or by the Contractor under a mutually satisfactory agreement for reimbursement by the Government of the costs thereof. Accordingly, it is mutually agreed that in the event on or before * * * neither satisfactory agreements are entered into by the Contractor and the Government for the construction and equipment by the Government of said facilities nor a mutually satisfactory agreement, providing by a method approved by the Government for the construction or acquisition by the Contractor of said facilities, is executed and, if required, duly approved, then the Government will, at any time thereafter and prior to the execution and approval, if required, of such agreement or agreements, forthwith upon written demand of the Contractor terminate this contract with the same effect and upon the same terms and conditions as if this contract had been terminated by the Government for its convenience under Article 9.

This contract authorized under the provisions of sec. 1 (a) of the Act of July 2, 1940, and sec. 2 (a) of the Act of June 28, 1940.

NEAL H. MCKAY,
Major, Quartermaster Corps,
Assistant to the Director
of Purchases and Contracts.

[F. R. Doc. 40-4874; Filed, November 14, 1940; 9:42 a. m.]

DEPARTMENT OF THE INTERIOR.

Bituminous Coal Division.

[Docket No. A-248]

PETITION OF DISTRICT BOARD 10 FOR ESTABLISHMENT OF PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR COALS OF CERTAIN MINES NOT HERETOFORE CLASSIFIED AND PRICED

NOTICE OF AND ORDER FOR HEARING AND ORDER GRANTING TEMPORARY RELIEF

An original petition, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937 having been duly filed with this Division by the above-named party;

It is ordered, That a hearing in the above-entitled matter be held, under the applicable provisions of said Act, and the rules and regulations of the Division, on December 6, 1940, at 10 o'clock a. m. (Eastern Standard Time) in a hearing room of the Bituminous Coal Division, 734 Fifteenth Street NW., Washington, D. C. On such day the Chief of the Records Section in Room 502 will advise as to the room in which such hearing will be held.

It is further ordered, That Charles S. Fowler or any other officer or officers of the Division duly designated for that purpose shall preside at the hearing in such matter. The officers so designated to preside at such hearing are hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, compel their attendance, take evidence, require the production of any books, papers, correspondence, memoranda, or other records deemed relevant or material to the inquiry, to continue said hearing from time to time, and to prepare and submit to the Director proposed findings of fact and conclusions and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to all parties herein and to persons or entities having an interest in these proceedings and eligible to become parties herein. Any person desiring to be admitted as a party to this proceeding may file a petition of intervention in accordance with the rules and regulations of the Bituminous Coal Division for proceedings instituted pursuant to section 4 II (d) of the Act, setting forth the facts on the basis of which the relief in the original petition is supported or opposed or on the basis of which other relief is sought. Such petitions of intervention shall be filed with the Bituminous Coal Division on or before December 1, 1940.

The matter concerned herewith is in regard to the establishment of effective minimum prices for the coals of certain mines, hereinafter named, located in District No. 10, for which coals price classifications and minimum prices have not heretofore been established.

All persons are hereby notified that the hearing in the above-entitled matter and any orders therein may concern, in addition to the matters specifically alleged in the petition, other matters necessarily incidental and related thereto, which may be raised by amendment of the original petition, petitions of interveners, or otherwise, or which may be necessary corollaries to the relief, if any, granted on the basis of said original petition.

It is further ordered, That a reasonable showing of the necessity therefor having been made, pending final disposition of the petition in the above-entitled matter, temporary relief be and it hereby is granted as follows: Commencing forthwith, the coals referred to in the schedules marked "Temporary Supplement A-R" and "Temporary Supplement A-T", annexed hereto and made part hereof, shall be subject to minimum prices as provided in said schedules.

Notice is hereby given that applications to stay, terminate or modify the temporary relief herein granted may be filed pursuant to the rules and regulations governing practice and procedure before the Bituminous Coal Division and proceedings instituted pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

Dated: November 6, 1940.

[SEAL] H. A. GRAY,
Director.

Temporary Supplement A-R—Temporary Effective Minimum Prices for District No. 10 for All Shipments Except Truck

NOTE: The material in this Temporary Supplement A-R is to be read in the light of the classifications, prices, instructions, exceptions and other provisions contained in Price Schedule No. 1 for this District and Supplements thereto.

Price group No.	Producer	Mine	Mine index No.	Freight origin group No.	Shipping point	Railroad
20	Clinton County Mining Co., Inc.	North	1317	20	Breese, Ill.	B. & O.
	The f. o. b. mine price for coals shipped by Clinton County Mining Co., Inc., North Mine, to any given market area in any given size group and for any use, including railroad locomotive fuel, are the same as prices shown for the Beckemeyer Coal Company, Beckemeyer mine, mine index No. 6, in Price Schedule No. 1 for District No. 10 for all shipments except truck.					
16	Muddy Coal Co. (George E. Smith).	Little Muddy	85	80	Tamaroa, Ill.	IC.
	The f. o. b. mine price for coals shipped by Muddy Coal Co. (George E. Smith), Little Muddy mine, to any given market area in any given size group and for any use, including railroad locomotive fuel, are the same as prices shown for Bailey Bros. Coal Co., Diamond mine, mine index No. 38, in Price Schedule No. 1 for District No. 10 for all shipments except truck.					
19	Washed Coal Company of Belleville.	Washed Coal Co. of Belleville.	188	23	Belleville	L. & N.
	The f. o. b. mine price for coals shipped by Washed Coal Company of Belleville, Washed Coal Co. of Belleville mine, to any given market area in any given size group and for any use, including railroad locomotive fuel, are the same as prices shown for the Southern Coal, Coke & Mining Co., Avery #1 mine, mine index No. 3, in Price Schedule No. 1 for District No. 10 for all shipments except truck.					

Temporary Supplement A–T—Temporary Effective Minimum Prices for District No. 10 for Truck Shipments

NOTE: The material in this Temporary Supplement A–T is to be read in the light of the classifications, prices, instructions, exceptions and other provisions contained in Price Schedule No. 1 for this District and Supplements thereto.

PRICES IN CENTS PER NET TON FOR SHIPMENT INTO ALL MARKET AREAS

Code member index	Mine index No.	Mine	Seam	Prices and size group numbers																										
				1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	34
SECTION No. 1																														
LIVINGSTON COUNTY																														
Coalville Coal Company, The	1315	Mine No. 3		325	320	315	305	300	295	240	285	205	200	200	200	170	160	105													
Wargo, Katcher & Barry (John S. Wargo)	1342	Wargo, Katcher & Barry	#1	325	320	315	305	300	295	240	285	205	200	200	200	170	160	105													
SECTION No. 2																														
LA SALLE COUNTY																														
Samolinski & Sons (Edward Samolinski)	1313	Samolinski		325	320	315	305	300	295	240	285	205	200	200	200	170	160	105													
SECTION No. 3																														
HENRY COUNTY																														
Stone, Elmer A. (Kewanee Coal Co.)	1361			255	250	245	235	230	225	185	165	160	155	155	155	125	115	60													
KNOX COUNTY																														
Endres, James	1347	Endres	#6	255	250	245	235	230	225	185	165	160	155	155	155	125	115	60													
Horkstrom Brothers (Ed. Horkstrom)	1330	Horkstrom	#6	255	250	245	235	230	225	185	165	160	155	155	155	125	115	60													
White, J. M	1332			255	250	245	235	230	225	185	165	160	155	155	155	125	115	60													
SECTION No. 4																														
FULTON COUNTY																														
Ketcham, Sherman	1329	Ketcham	#5	255	250	245	235	230	225	185	165	160	155	155	155	125	115	60													
Oldham, Sam	1357	Oldham	#5	255	250	245	235	230	225	185	165	160	155	155	155	125	115	60													
T. B. & L. Coal Co. (Thomas Sleeth)	1359	T. B. & L		255	250	245	235	230	225	185	165	160	155	155	155	125	115	60													
PEORIA COUNTY																														
Banner Block Coal Co. (Seghi Bros.)	1392	Central West	#5	255	250	245	235	230	225	185	165	160	155	155	155	125	115	60													
Dilts & Son, William	1393	Kupel Coal Co	#5	255	250	245	235	230	225	185	165	160	155	155	155	125	115	60													
Hunt & Co., Thomas, Sr. (Edwin D. Dempster)	1319	Hunt	#5	255	250	245	235	230	225	185	165	160	155	155	155	125	115	60													
TAZEWELL COUNTY																														
Lick Creek Coal Co. (Mario M. Craciani)	1311	Lick Creek Coal Co	#6	255	250	245	235	230	225	185	165	160	155	155	155	125	115	60													
SECTION No. 5																														
GREENE COUNTY																														
Cummins, Orval Smith	1346	Orval Cummins	#2	255	250	245	235	230	225	170	165	160	155	155	155	125	115	60													
Garrison, John	1352	Garrison	#2	255	250	245	235	230	225	170	165	160	155	155	155	125	115	60													
HANCOCK COUNTY																														
Three Counties Coal Corporation c/o F. S. Martin, Jr	1343	Augusta		255	250	245	235	230	225	170	165	160	155	155	155	125	115	60													
JERSEY COUNTY																														
Geisler, Herbert	1363	No. 1		255	250	245	235	230	225	170	165	160	155	155	155	125	115	60													
M'DONOUGH COUNTY																														
Frisbie, Dewey	1358	Frisbie		255	250	245	235	230	225	170	165	160	155	155	155	125	115	60													
SCOTT COUNTY																														
Hepworth, John R	1355	John R. Hepworth	#2	255	250	245	235	230	225	170	165	160	155	155	155	125	115	60													

Temporary Schedule A–T—Temporary Effective Minimum Prices for District No. 10 for Truck Shipments—Continued

Code member index	Mine index No.	Mine	Seam	Prices and size group numbers																										
				1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	34
SECTION NO. 6																														
SANGAMON COUNTY																														
Wake Brothers Coal Mining Co. (Paul Wake)	1,349	Wake Bros	#5	280	275	270	260	255	250	245	165	160	155	155	155	125	115	60	---	---	---	---	---	---	---	---	---	---	---	---	---	---
SHELBY COUNTY																														
Syfert, Elmer	1,341	Syfert	#2	280	275	270	260	255	250	245	165	160	155	155	155	125	115	60	---	---	---	---	---	---	---	---	---	---	---	---	---	---
SECTION NO. 7																														
CRAWFORD COUNTY																														
Palestine Coal Corporation	1,345	Palestine	------	240	235	230	220	215	210	170	165	160	155	155	155	125	115	60	---	---	---	---	---	---	---	---	---	---	---	---	---	---
VERMILION COUNTY																														
Dowiatt Coal Co., P. J., Jr	1,362	No. 2	#6	240	235	230	220	215	210	170	165	160	155	155	155	125	115	60	---	---	---	---	---	---	---	---	---	---	---	---	---	---
Harris, Granville	1,321	Kistler Hill	#7	240	235	230	220	215	210	170	165	160	155	155	155	125	115	60	---	---	---	---	---	---	---	---	---	---	---	---	---	---
Lind, Edw. L	1,391	#3	------	240	235	230	220	215	210	170	165	160	155	155	155	125	115	60	---	---	---	---	---	---	---	---	---	---	---	---	---	---
Pilkington, Clarence	1,322	Lake Side	#7	240	235	230	220	215	210	170	165	160	155	155	155	125	115	60	---	---	---	---	---	---	---	---	---	---	---	---	---	---
River Bank Coal Mine	1,021	River Bank	------	240	235	230	220	215	210	170	165	160	155	155	155	125	115	60	---	---	---	---	---	---	---	---	---	---	---	---	---	---
SECTION NO. 8																														
MADISON COUNTY																														
Buck Road Coal Co. (Wm. H. Johnson)	1327	Buck Road	#6	220	215	210	200	195	190	165	145	150	145	145	145	115	105	50	---	---	---	---	---	---	---	---	---	---	---	---	---	---
Worden Coal Company (Patrick H. Scanlan)	1314	Worden Coal Co	#6	220	215	210	200	195	190	165	145	150	145	145	145	115	105	50	---	---	---	---	---	---	---	---	---	---	---	---	---	---
ST. CLAIR COUNTY																														
Washed Coal Company of Belleville	188	Washed Coal Co. of Belleville	#6	245	240	235	225	220	215	165	145	150	145	145	145	115	105	50	---	185	180	180	180	180	170	170	160	125	125	115	---	---
SECTION NO. 9																														
CLINTON COUNTY																														
Clinton County Mining Co., Inc	1317	North	#6	225	220	215	205	200	195	165	145	150	145	145	145	115	105	50	---	---	---	---	---	---	---	---	---	125	115	---	---	---
JACKSON COUNTY																														
Crain, Don (Don Crain Coal Co.)	1344	Don Crain	#2	210	205	200	190	185	180	165	145	150	145	145	145	115	105	50	---	---	---	---	---	---	---	---	---	---	---	---	---	---
PERRY COUNTY																														
Gillis, H. G	1310	Gillis Quarry	------	210	205	200	190	185	180	165	145	150	145	145	145	115	105	50	---	---	---	---	---	---	---	---	---	---	---	---	---	---
Muddy Coal Co. (George E. Smith)	85	Little Muddy	#6	210	205	200	190	185	180	165	145	150	145	145	145	115	105	50	---	---	---	---	---	---	---	---	---	---	---	---	---	---
Nevill & Huggins (Orval Huggins)	1324	Nevill & Huggins	#6	210	205	200	190	185	180	165	145	150	145	145	145	115	105	50	---	---	---	---	---	---	---	---	---	125	115	---	---	---
WASHINGTON COUNTY																														
Community Coal Co. (Ferd Speck)	1325	Community Coal Co	#6	225	220	215	205	200	195	165	145	150	145	145	145	115	105	50	---	---	---	---	---	---	---	---	---	---	---	---	---	---
SECTION NO. 10																														
GALLATIN COUNTY																														
Barnett & Beeler (Claude Barnett)	1340	Barnett & Beeler	#6	215	215	215	200	195	190	180	180	175	165	165	165	140	130	75	---	---	---	---	---	---	---	---	---	---	---	---	---	---
SALINE COUNTY																														
Angelly, Wm	------	Osburn	------	215	215	215	200	195	190	180	180	175	165	165	165	140	130	75	---	---	---	---	---	---	---	---	---	---	---	---	---	---
Pickering & Ward (Joe Ward)	1348	Pickering & Ward	#2	215	215	215	200	195	190	180	180	175	165	165	165	140	130	75	---	---	---	---	---	---	---	---	---	---	---	---	---	---
WILLIAMSON COUNTY																														
Carterville Coal Co. (George Tregoning)	1320	Carterville Coal Co	#6	215	215	215	200	195	190	180	180	175	165	165	165	140	130	75	---	---	---	---	---	---	---	---	---	---	---	---	---	---

[F. R. Doc. 40–4866; Filed, November 13, 1940; 1:06 p. m.]

[Docket No. A-283]

PETITION OF DISTRICT BOARD 8 FOR ESTABLISHMENT OF PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR COALS OF CERTAIN MINES NOT HERETOFORE CLASSIFIED AND PRICED

NOTICE OF HEARING AND ORDER GRANTING TEMPORARY RELIEF

A petition pursuant to the Bituminous Coal Act of 1937, having been duly filed with this Division by the above-named party;

It is ordered, That a hearing in the above-entitled matter under the applicable provisions of said Act and the rules of the Division be held on December 2, 1940, at 10 o'clock in the forenoon of that day, at a hearing room of the Bituminous Coal Division, 734 Fifteenth Street NW., Washington, D. C. On such day the Chief of the Records Section in room 502 will advise as to the room where such hearing will be held.

It is further ordered, That Charles O. Fowler or any other officer or officers of the Division duly designated for that purpose shall preside at the hearing in such matter. The officers so designated to preside at such hearing are hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, subpoena witnesses, compel their attendance, take evidence, require the production of any books, papers, correspondence, memoranda, or other records deemed relevant or material to the inquiry, to continue said hearing from time to time, and to prepare and submit to the Director proposed findings of fact and conclusions and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to all parties herein and to persons or entities having an interest in these proceedings and eligible to become a party herein. Any person desiring to be admitted as a party to this proceeding may file a petition of intervention in accordance with the rules and regulations of the Bituminous Coal Division for proceedings instituted pursuant to section 4 II (d) of the Act, setting forth the facts on the basis of which the relief in the original petition is supported or opposed or on the basis of which other relief is sought. Such petitions of intervention shall be filed with the Bituminous Coal Division on or before November 27, 1940.

All persons are hereby notified that the hearing in the above-entitled matter and any orders entered therein, may concern, in addition to the matters specifically alleged in the petition, other matters necessarily incidental and related thereto, which may be raised by amendment to the petition, petitions of interveners or otherwise, or which may be necessary corollaries to the relief, if any, granted on the basis of this petition.

The matter concerned herewith is in regard to the establishment of effective minimum prices for the coals of certain mines located in areas which have recently been transferred to District 8 by an order of the Director in Docket No. 898-FD for which coals, price classifications and minimum prices have not heretofore been established.

It is further ordered, That, a reasonable showing of the necessity therefor having been made, pending final disposition of the petition in the above-entitled matter, the temporary relief prayed for be and the same is hereby granted as follows: Commencing forthwith, the coals of the Solon Mine of Meadow Creek Coal Company, Mine Index No. 432, shall be subject to minimum prices as provided in the schedule hereto annexed, marked "Temporary Schedule A," and made a part of this order; commencing forthwith the minimum prices shown in Temporary Schedule A for Truck Shipments of Code members producing in counties added to District 8 in accordance with the order of October 23, 1940, in Docket No. 898-FD shall be applicable to all truck shipments by Code members producing in those counties and to shipments by those who may hereafter become Code members in those counties.

Notice is hereby given that applications to stay, terminate or modify the temporary relief herein granted may be filed pursuant to the rules and regulations governing practice and procedure before the Bituminous Coal Division and proceedings instituted pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

Dated: November 6, 1940.

[SEAL] H. A. GRAY,
Director.

Temporary Schedule A—Temporary Effective Minimum Prices for District No. 8 for All Shipments Except Truck

NOTE: The material in this Temporary Schedule A is to be read in the light of the classifications, prices, instructions, exceptions, and other provisions contained in Price Schedule No. 1 for this District and supplements thereto.

ALPHABETICAL LIST OF CODE MEMBERS HAVING RAILWAY LOADING FACILITIES, SHOWING PRICE CLASSIFICATIONS BY SIZE GROUPS FOR ALL USES EXCEPT AS SEPARATELY SHOWN

Mine index No.	Code member	Mine name	Sub-dist. No.	High volatile seam	Freight origin group No.	Price classifications by size group Nos.																													
						For destinations other than Great Lakes																			For Great Lakes cargo only												
						1 2	3 4	5 6	7	8	9	10	11 12 13 14	15 16 17	18 19 20 21	22	23	24	25	26	27	1 2	3 4	5 6	7	8	9	10	16 17	18 19 20 21	22	24	25	26	27		
432	Meadow Creek Coal Company	Solon	6	Bon Air No. 2	210	P	P	M	L	K	J	M	N	G	O	---	---	---	---	---	---	P	O	M	H	F	F	M	Q	O	---	---	---	---	---	---		

Temporary Effective Minimum Prices for District No. 8 for All Truck Shipments

PRICES IN CENTS PER NET TON FOR SHIPMENT INTO ALL MARKET AREAS

Minimum prices for shipments by truck for code members producing in counties added to District 8 in accordance with order dated October 23, 1940, in Docket No. 898-FD		Adjoining counties to which prices are related	Lump over 2"	Lump 2" and under	Lump ¾" and under	Egg 2" and over, bottom size	Nut 2" and under, top size	Straight mine run	2" and under, slack	¾" and under, slack
State	County		1	2	3	4	5	6	7	8
Kentucky	Lewis	Greenup, Carter (Kentucky)	265	245	210	220	205	200	150	145
Kentucky	Rowan	Carter, Elliott, Morgan (Kentucky)	265	245	210	220	205	200	150	145
Kentucky	Menifee	Morgan (Kentucky)	265	245	210	220	205	200	150	145
Kentucky	Wolfe	Morgan, Magoffin (Kentucky)	265	245	210	220	205	200	150	145
Kentucky	Estill	Jackson (Kentucky)	265	245	220	220	205	210	155	150
Kentucky	Powell	Jackson, Estill (Kentucky)	265	245	220	220	205	210	155	150
Kentucky	Madison	Jackson, Rockcastle (Kentucky)	265	245	220	220	205	210	155	150
Kentucky	Pulaski	Rockcastle, Laurel (Kentucky)	265	245	220	220	205	210	155	150
Kentucky	Clinton	Wayne (Kentucky)	255	235	215	210	200	205	155	150
Tennessee	Pickett	Fentress, Overton (Tennessee)	250	230	205	210	185	195	135	130
Tennessee	Putnam	Overton, Cumberland (Tennessee)	250	230	205	210	185	195	135	130

[F. R. Doc. 40-4869; Filed, November 13, 1940; 1:07 p. m.]

[Docket No. A-254]

PETITION OF DISTRICT BOARD 16 FOR THE ESTABLISHMENT OF PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR THE COALS OF THE WILLIAM E. RUSSELL COAL COMPANY, CROWN MINE, A PRODUCER IN DISTRICT NO. 16, NOT HERETOFORE CLASSIFIED AND PRICED

NOTICE OF AND ORDER FOR HEARING AND ORDER GRANTING TEMPORARY RELIEF

An original petition, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937 having been duly filed with this Division by the above-named party;

It is ordered, That a hearing in the above-entitled matter be held, under the applicable provisions of said Act, and the rules and regulations of the Division, on December 2, 1940, at 10 o'clock a. m. (eastern standard time) in a hearing room of the Bituminous Coal Division, 734 Fifteenth Street NW., Washington, D. C. On such day the Chief of the Records Section in Room 502 will advise as to the room in which such hearing will be held.

It is further ordered, That Edward J. Hayes, or any other officer or officers of the Division duly designated for that purpose shall preside at the hearing in such matter. The officers so designated to preside at such hearing are hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, compel their attendance, take evidence, require the production of any books, papers, correspondence, memoranda, or other records deemed relevant or material to the inquiry, to continue said hearing from time to time, and to prepare and submit to the Director proposed findings of fact and conclusions and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to all parties herein and to persons or entities having an interest in these proceedings and eligible to become parties herein. Any person desiring to be admitted as a party to this proceeding may file a petition of intervention in accordance with the rules and regulations of the Bituminous Coal Division for proceedings instituted pursuant to section 4 II (d) of the Act, setting forth the facts on the basis of which the relief in the original petition is supported or opposed or on the basis of which other relief is sought. Such petitions of intervention shall be filed with the Bituminous Coal Division on or before November 26, 1940.

The matter concerned herewith is in regard to the establishment of effective minimum prices for the coals of certain mines, hereinafter named, located in District No. 16, for which coals price classifications and minimum prices have not heretofore been established.

All persons are hereby notified that the hearing in the above-entitled matter and any orders therein may concern, in addition to the matters specifically alleged in the petition, other matters necessarily incidental and related thereto, which may be raised by amendment of the original petition, petitions of interveners, or otherwise, or which may be necessary corollaries to the relief, if any, granted on the basis of said original petition.

It is further ordered, That a reasonable showing of the necessity therefor having been made, pending final disposition of the petition in the above-entitled matter, temporary relief be, and it hereby is, granted as follows: Commencing forthwith, the coals referred to in the schedule hereto annexed, marked "Temporary Supplement No. 6 to Price Schedule No. 1, District No. 16," and made part hereof, shall be subject to minimum prices as provided in said Temporary Supplement.

Notice is hereby given that applications to stay, terminate or modify the temporary relief herein granted may be filed pursuant to the rules and regulations governing practice and procedure before the Bituminous Coal Division and proceedings instituted pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

Dated: November 8, 1940.

[SEAL] H. A. GRAY,
Director.

Temporary Supplement No. 6 to Price Schedule No. 1, District No. 16

NOTE: The material in this Supplement is to be read in the light of the instructions, exceptions and other provisions contained in Price Schedule No. 1 for this District and Supplements thereto. Effective as of November 8, 1940, and continuing until further order of the Director.

The following temporary change shall be made in Price Schedule No. 1 for District No. 16: The following minimum f. o. b. mine prices in cents per net ton for shipment via rail transportation into all market areas shall be inserted for Sub-District No. 4, applicable to Code member Russell Coal Company, The, William E., Crown Mine, Mine Index No. 133 only:

SIZE GROUPS

1	2	3	4	5	6	7	8	10	11	12	13
465	415	415	465	415	360	305	255	190	180	160	320

[F. R. Doc. 40-4868; Filed, November 13, 1940; 11:06 p. m.]

[Docket No. A-186]

PETITION OF MAUMEE COLLIERIES COMPANY FOR REVISION OF THE EFFECTIVE MINIMUM PRICES FOR MINE INDEX 102, DISTRICT 11, IN WASHED SCREENINGS SIZES

MEMORANDUM OPINION AND ORDER GRANTING, IN PART, TEMPORARY RELIEF

The original petition in the above-entitled matter, filed with this Division on October 18, 1940, as amended on October 28, 1940, prays for the issuance of temporary and final orders revising the effective minimum prices for the washed coals of Mine Index 102, District 11 (Maumee Collieries Company, Ayrdale Mine No. 25) in the washed screenings sizes for shipment to Market Areas 22-34, and establishing the same prices for those coals for shipment to those Market Areas as are effective for Standard Fifth Vein coals of District 11 in the corresponding size groups for raw coal—Size Groups 13 and 14 (2" x 0 and 1¼" x 0 raw screenings, respectively); or 25¢ lower than the effective minimum prices for Standard Fifth Vein washed screenings. The prices requested are also the same as those effective for the Third Vein coals produced by Mine Index 90,

District 11 (Snow Hill Coal Corporation, Talleydale Mine) in Size Groups 13 and 14.

Snow Hill Coal Corporation and Black Hawk Coal Corporation have intervened in opposition to the original petition and pray that the relief requested therein be denied, or, alternatively, that any relief granted to the original petitioner be likewise extended to them.

On October 24, 1940, an informal conference concerning temporary relief in this matter was held pursuant to § 301.106 (d) of the Rules and Regulations Governing Practice and Procedure Before the Bituminous Coal Division in Proceedings Instituted Pursuant to section 4 II (d) of the Bituminous Coal Act, upon telegraphic notice, dispatched October 21, 1940 to the original petitioner, District Board 11, the Statistical Bureau for District 11, and notice by memorandum to the Consumers' Counsel. The original petitioner was instructed to notify interested persons of the conference, and the Statistical Bureau to post its notice thereof.

Appearances at this conference were noted by the original petitioner; by interveners Snow Hill Coal Corporation and Black Hawk Coal Corporation; by Sherwood-Templeton Coal Company; by Sterling-Midland Coal Company; by District Board 10; by United Electric Coal Companies, Inc., et al., a group of Code Members in District 10, and by Consumers' Counsel.

In the proceedings heretofore held before the Director in General Docket No. 15–A, the original petitioner herein and District Board 11 contended that the coals of the Ayrdale Mine should be priced in Size Group 24 the same as Standard Fifth Vein raw screenings, or 25¢ below the washed screenings price for Standard Fifth Vein coals. The Director found in that proceeding that the record failed to establish that the washed screenings of that mine were of no greater value in the market than Standard Fifth Vein raw screenings, and that the matter might appropriately be further considered, if circumstances warranted, in proceedings instituted pursuant to section 4 II (d) of the Act.

A similar question is now presented pursuant to section 4 II (d) of the Act.

Together with its petition of intervention, filed on November 2, 1940, The Black Hawk Coal Corporation filed a motion to dismiss the original petition, on two grounds: First, that it does not meet the standards of §§ 301.102 and 301.106 of the Rules and Regulations Governing Practice and Procedure before the Bituminous Coal Division in Proceedings Instituted Pursuant to section 4 II (d) of the Bituminous Coal Act of 1937; and secondly, that, as amended, the original petition prays for relief only with respect to a limited number of Market Areas: that the Bituminous Coal Act of 1937 does not authorize the granting of relief in the limited manner requested, and that the Act is unconstitutional to the extent that it does embody such authority.

The first ground upon which the dismissal is urged lacks merit. At the conference, which was scheduled by notice dispatched prior to the receipt of the petition for leave to intervene and motion to dismiss of Black Hawk Coal Corporation, it plainly appeared that intervener Black Hawk Coal Corporation was in no way prejudiced by the formal deficiencies in the original petition, upon the basis of which it urges the dismissal thereof, and was sufficiently informed as to the questions raised therein adequately to represent itself. Indeed no prejudice to the intervener by virtue of these formal defects was alleged in support of its motion either in its petition or verbally at the conference.

The second ground upon which the dismissal is urged also lacks merit, as is indicated by the Director's Findings of Fact and Conclusions of Law in General Docket No. 15.

For the foregoing reasons, the motion of intervener Black Hawk Coal Corporation to dismiss the original petition is denied at this time; *Provided, however,* That the motion may be renewed unless the original petitioner, within 15 days from the date hereof, shall file an amended petition complying with the requirements of §§ 301.102 and 301.106 of the Rules and Regulations Governing Practice and Procedure Before the Bituminous Coal Division in Proceedings Instituted Pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

It presently appears:

Until 1939, the original petitioner operated the mining properties here in question as the Antioch No. 18 Mine, designated as Mine Index 3 in the Effective Minimum Price Schedule for District No. 11 for All Shipments Except Truck. The raw or straight screenings produced by this mine have uniformly been classified as inferior to Standard Fifth Vein raw screenings whenever governmental regulation of coal prices has been undertaken. Based upon the record in General Docket No. 15, Antioch raw screenings were accorded a price 15¢ lower than that effected for Standard Fifth Vein raw screenings. In addition, the original petitioner was permitted to modify, or dry-dedust, Antioch screenings without adding to the raw screenings price the customary 10-cent charge for this service. The entire screenings distribution of the Antioch Mine was comprised of modified or dedusted coal. Accordingly, the pertinent price for Antioch screenings was, in effect, 25¢ lower than the price for correspondingly sized coals from Standard Fifth Vein mines. Neither of the interveners herein, both of which produce coals carrying the Standard Fifth Vein prices, objected to the screenings prices proposed and established for the Antioch Mine in General Docket No. 15. Nor did any other party to that proceeding.

In 1939, the original petitioner installed a washing plant at the scene of the Antioch operations, and commenced the production of washed coals. With the installation of the washing facilities, the properties in question were designated as the Ayrdale No. 25 Mine. Antioch and Ayrdale coals are mined from the same pit, the sole distinction being that the former is classified and priced, under the Bituminous Coal Code, in raw and dry-dedusted industrial sizes, and the latter in washed industrial sizes.

It was represented by Mr. Lee, the Vice-President and General Sales Manager of the original petitioner, that while Ayrdale washed screenings represent a very considerable improvement over Antioch dedusted screenings, they are decidedly inferior to Standard Fifth Vein washed screenings; that a product equivalent to Standard Fifth Vein washed screenings would be obtained only by discarding perhaps 60% to 75% of the total screenings production of the Ayrdale Mine; and that such a method of operation would be utterly uneconomical.

He also made the following representations: During the past year sales of Ayrdale washed screenings have been scattered among a large number of relatively small consumers in Market Area 29 and the various Indiana Market Areas, except Market Areas 33 and 34. Only a few small plants, with light load requirements, have depended on Ayrdale screenings to care for their full needs. They have been shipped, for the most part, in small lots to larger consumers, mainly dependent upon other coals, who can use a few cars of Ayrdale without jeopardizing their load requirements. This latter type of outlet for Ayrdale screenings has been developed by the original petitioner by resort to its wide-spread goodwill with coal consumers and its many sales connections.

Mr. Lee insisted that in order properly to reflect the relative market value of, and to maintain existing fair competitive opportunities for, Ayrdale washed screenings it was necessary that they be priced the same as Standard Fifth Vein raw screenings.

In support of his position, he adverted to the sales experience of the original petitioner with Ayrdale washed screenings since the minimum prices therefor, as established in General Docket No. 15–A, became effective on October 7, 1940. He stated that all previous consumers of Ayrdale washed screenings were contacted between the period October 1, 1940 (the date when the prices promulgated in General Docket No. 15 became effective) and October 15, 1940, referring to some twenty-two by name. All of them, Mr. Lee asserted, with but two exceptions, have discontinued the purchase of

Ayrdale coals since prices became effective, and have been purchasing other coals. With respect to the two consumers who have continued to accept Ayrdale washed screenings, under the effective minimum prices established for them, Mr. Lee stated that one of them had purchased one car, and the other two cars. He added that the latter purchase was occasioned by a reciprocal business relationship between the purchaser and the original petitioner.

Communications from some eight of the aforementioned consumers, concerning the effective minimum prices for Ayrdale screenings, were related by Mr. Lee at the conference. It was stated by him that some of them were solicited and others had been voluntarily submitted. All of these communications tend to indicate that the communicants considered Ayrdale washed screenings to be inferior, and priced too high, in relation to Standard Fifth Vein washed screenings and were accordingly discontinuing the purchase of the former. Some of these communications, however, including one asserted to be representative of the general consumer reaction to the effective minimum prices for Ayrdale washed screenings, are equivocal with respect to the question of the comparative value of Ayrdale washed and Standard Fifth Vein raw screenings, and are consistent with the conclusion that Ayrdale washed screenings would be acceptable at a somewhat higher price than Standard Fifth Vein raw screenings, and reflect some indication that Ayrdale washed screenings can be marketed at a price 10¢ higher than the latter.

Mr. Lee recited the following facts with regard to the operation of the Ayrdale mine since October 1, 1940: It ordinarily produces in all sizes about 35 cars of coal per day, of which about 40% represents screenings. It operated on October 5, producing a total of 34 cars, and on October 8, producing 33 cars. At that time it was "pretty well sewed up with no bills"[1] and was closed down.

Between October 1 and October 15, Ayrdale shipped a total of 3 cars of washed screenings, one on October 8, another on October 15, and a third on an unspecified date.

Mr. Lee also indicated the possibility of operating the mining property in question on a basis whereby washed unprepared coals and dry dedusted screenings would be produced. Thus he stated: After the shut-down on October 8, 1940, it was decided to investigate the possibility of operating the tipple at the property so as to produce the dedusted screenings for which the original petitioner is classified and priced, under the Antioch No. 18 Mine designation, at 25¢ below Standard Fifth Vein dedusted screenings. For this purpose, between October 8 and October 14, 1940, a shaker screen and a vibrator screen were utilized—the shaker screen to separate the 1½" x 0 screenings from the larger sized coals before the latter went to the washer, and the vibrator screen to dedust the raw screenings after they had thus been segregated. In this manner 13 cars of washed prepared sizes and 5 cars of dry-dedusted screenings were produced on October 14, and 19 cars of washed prepared coal and 7 cars of dedusted screenings were produced on the next day, after which the mine was again closed down.

Between October 15, 1940 and the date of the conference (October 24, 1940) the original petitioner, according to Mr. Lee, was able to dispose of both the washed Ayrdale and dedusted Antioch screenings which it had produced between October 1, and October 15, 1940. At the conference Mr. Lee indicated that although its "no bills" had at that time been reduced from the thirty-four on the tracks on October 18, 1940, the original petitioner still had at its Ayrdale-Antioch operations more unconsigned cars of coal (apparently comprised of sizes other than screenings) than the railroad would allow before shipping further cars and thus permitting a resumption of operations, even if there were any incentive to resume operations, inspired by a market for Ayrdale screenings. Such an incentive, he maintained, was lacking in view of the established prices for Ayrdale screenings.

It appeared at the conference that by operating on the washed prepared coal—dry screenings basis, the original petitioner would be able to work the property in question about two days a week. Mr. Lee represented that his company did not desire to operate the property on the dry screenings basis—as Antioch—for the reason that it would involve not only the production of an inferior product, but also higher costs and lower realization in that it would entail a decrease in production estimated at about 25%, diminished running time, slightly higher labor costs and a loss on the investment, of some $250,000, in washing equipment.

Mr. O'Brien, representing a competitor of the original petitioner, concurred with Mr. Lee that Ayrdale washed coals are inferior to Standard Fifth Vein washed coals. He recounted two instances in which he had purchased washed Ayrdale coals and shipped them to consumers to whom he had generally furnished other coals. In both cases, he stated, the results were very unsatisfactory, a shutdown of the consumer's plant resulting in one situation, and a substantial rebate to the consumer being necessary in the other. He also told of another consumer who in the past has been willing to burn the Ayrdale coal during the summer, but not during the winter when its load requirements are more severe. Mr. O'Brien stated that in his opinion the Ayrdale coal was not a Standard Fifth Vein washed coal, but that it was difficult for him to decide whether it was better or worse than Standard Fifth Vein raw coal, because he had only put it in plants which purchase washed coal. In this connection he observed that plants which purchase washed coal do so because of a boiler load condition which requires the even size consist occasioned by washing, and as a rule will not purchase raw coal.

R. R. Bedwell, Assistant Manager in charge of sales for intervener Black Hawk Coal Corporation, opposed the relief sought by the original petitioner, asserting that Black Hawk Standard Fifth Vein raw screenings would not be able to compete on an equal price basis with Ayrdale washed screenings, and that Black Hawk washed screenings would not be able to compete with Ayrdale washed screenings if priced 25¢ higher than the latter. He expressed the view that washing ordinarily improves an inferior raw coal to a greater extent than a better quality raw coal; so that the margin of qualitative difference between two such coals tends to be narrower after they have been washed. Mr. Bedwell, whose company produces both raw and washed Standard Fifth Vein coal, stated further that he considered the 25-cent differential established by the Division between raw and washed Standard Fifth Vein screenings to be proper. He also indicated that he did not believe that washing improved Antioch raw screenings by as much as 50¢, which in effect by reason of the dedusting privilege mentioned above, is the differential heretofore established by the Division between Antioch raw or dedusted screenings and Ayrdale washed screenings. He stated his belief that washing would increase the value of Antioch raw screenings by 35¢. Mr. Bedwell also declared that the markets for raw coal are more limited than for washed coal, stating that washed coal is adaptable wherever raw coal can be used, and, in addition, in many plants where raw coal is unsuited.

Intervener Black Hawk Coal Corporation has neither alleged nor made any showing that its washed screenings are improperly classified and priced as Standard Fifth Vein coals. Nor has intervener Snow Hill Coal Corporation made any allegation or showing that the effective minimum prices for its Third Vein washed screenings, the same as those for Standard Fifth Vein washed screenings, are improper. Neither of these interveners made any attempt to demonstrate that the effective minimum prices for their respective coals has either prejudiced previously existing fair competitive opportunities therefor, in comparison with other coals, or adversely affected the operation of their respective mines, in comparison with other mines.

In view of the foregoing circumstances, the Director is of the following opinion: that a reasonable showing has been made by the original petitioner that Ayrdale washed screenings are inferior to Standard Fifth Vein washed screenings; that

[1] Unconsigned railroad cars, of which the railroads permit only a limited number to a particular mine.

no reasonable showing has been made, however, that Ayrdale washed screenings are no better than Standard Fifth Vein raw screenings, and that the question of whether Ayrdale washed screenings have, in actuality, no greater value in the market than Standard Fifth Vein raw screenings can be properly determined only after a hearing in the matter.

Accordingly, the Director is further of the opinion: that a reasonable showing has been made by the original petitioner of the necessity of temporary relief for the coals of Mine Index 102, District 11, in Size Groups 23 and 24, for shipments to Market Areas 22–32, to the extent that such coals should be accorded, pending the final disposition of this matter, a lower price than Standard Fifth Vein washed screenings, but not to the extent that the coals in question should be accorded an interim price which is no higher than that effective for Standard Fifth Vein raw screenings; and that prices 15¢ lower than those effective for Standard Fifth Vein washed screenings, but 10¢ higher than those effective for Standard Fifth Vein raw screenings, will accord Mine Index 102, in Size Groups 23 and 24, for shipments to Market Areas 22–32, adequate temporary relief upon the basis of the showing made by the original petitioner in this proceeding to date.

In view of the foregoing circumstances, the Director is further of the opinion that interveners Snow Hill Coal Corporation and Black Hawk Coal Corporation have not, as of this date, made a reasonable showing of the necessity for extending to them the same temporary relief granted to the original petitioner. They may, of course, and without prejudice, pursue the matter further in subsequent proceedings in the above-entitled matter.

Now, therefore, it is ordered, That temporary relief, pending the final disposition of the petitions herein, be and the same is hereby granted, as follows: Commencing forthwith, the prices heretofore established, in Supplement No. 2 to the Schedule of Effective Minimum Prices for District No. 11, For All Shipments Except Truck, for the Ayrdale Mine, Mine Index 102, in Size Groups 23 and 24, for shipment into Market Areas 22 to 32, inclusive, are reduced by the amount of 15¢.

Notice is hereby given that applications to stay, terminate or modify the temporary relief herein granted may be filed pursuant to the Rules and Regulations Governing Practice and Procedure before the Division in Proceedings Instituted Pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

Dated: November 8, 1940.

[SEAL] H. A. GRAY,
Director.

[F. R. Doc. 40–4867; Filed, November 13, 1940; 1:06 p. m.]

[Docket Nos. A–153, A–186]

PETITION OF SHERWOOD-TEMPLETON COAL COMPANY FOR REVISION OF THE EFFECTIVE MINIMUM PRICES FOR MINE INDEX 108, DISTRICT 11, IN WASHED INDUSTRIAL SIZES; PETITION OF MAUMEE COLLIERIES COMPANY FOR REVISION OF THE EFFECTIVE MINIMUM PRICES FOR MINE INDEX 102, DISTRICT 11, IN WASHED INDUSTRIAL SIZES

NOTICE OF AND ORDER FOR HEARING

Petitions pursuant to the Bituminous Coal Act of 1937, having been duly filed with this Division by the above-named parties;

It is ordered, That the above-entitled matters be consolidated for hearing and that such hearing under the applicable provisions of said Act and the rules of the Division be held on December 9, 1940, at 10 o'clock in the forenoon of that day, at a hearing room of the Bituminous Coal Division, 734 Fifteenth Street NW., Washington, D. C. On such day the Chief of the Records Section in Room 502 will advise as to the room where such hearing will be held.

It is further ordered, That W. A. Shipman or any other officer or officers of the Division duly designated for that purpose shall preside at the hearing in such matters. The officers so designated to preside at such hearing are hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, subpoena witnesses, compel their attendance, take evidence, require the production of any books, papers, correspondence, memoranda, or other records deemed relevant or material to the inquiry, to continue said hearing from time to time, and to prepare and submit to the Director proposed findings of fact and conclusions and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to all parties herein and to persons or entities having an interest in these proceedings and eligible to become a party herein. Any person desiring to be admitted as a party to these proceedings may file a petition of intervention in accordance with the rules and regulations of the Bituminous Coal Division for proceedings instituted pursuant to Section 4 II (d) of the Act, setting forth the facts on the basis of which the relief in the original petitions is supported or opposed or on the basis of which other relief is sought. Such petitions of intervention shall be filed with the Bituminous Coal Division on or before December 3, 1940.

All persons are hereby notified that the hearing in the above-entitled matters and any orders entered therein, may concern, in addition to the matters specifically alleged in the petition, other matters necessarily incidental and related thereto, which may be raised by amendment to the petition, petitions of intervention or otherwise, or which may be necessary corollaries to the relief, if any, granted, on the basis of the petitions herein.

The matter concerned herewith in Docket A–153 is in regard to a petition of Sherwood-Templeton Coal Company, as amended, requesting the revision of the effective minimum prices for the coals produced at Mine Index 108 in Size Groups 23 and 24, for shipment into Market Areas 22–34, inclusive, and the establishment of the same prices for such coals as are effective for Standard Fifth Vein coals produced within District 11 in the corresponding size groups for raw coal.

The matter concerned herewith in Docket A–186 is in regard to a petition of the Maumee Collieries Company, as amended, requesting the revision of the effective minimum prices for the coals produced at Mine Index 102 in the washed screenings sizes, for shipment into Market Areas 22–34, inclusive, and the establishment of the same prices for such coals as are effective for Standard Fifth Vein coals produced within District 11 in the corresponding size groups for raw coal.

Dated: November 9, 1940.

[SEAL] H. A. GRAY,
Director.

[F. R. Doc. 40–4889; Filed, November 14, 1940; 11:32 a. m.]

[Docket Nos. A–285, A–286]

PETITION OF DISTRICT BOARD 9 FOR THE REVISION OF THE EFFECTIVE MINIMUM PRICES FOR THE COALS OF DISTRICT 9 FOR SHIPMENT INTO MARKET AREA 34; PETITION OF DISTRICT BOARD 9 FOR THE REVISION OF THE EFFECTIVE MINIMUM PRICES FOR THE SIXTH VEIN COALS OF DISTRICT 9, IN SIZE GROUP 15

NOTICE OF AND ORDER FOR HEARING

Petitions pursuant to the Bituminous Coal Act of 1937, having been duly filed with this Division by the above-named party;

It is ordered, That the above-entitled matters, both of which relate to issues concerning the effective minimum prices for District 9 coals, and in both of which, in large measure, the same parties are interested, be consolidated for hearing, subject to the Division's power to sever them, if and when a severance shall be deemed appropriate;

It is further ordered, That a hearing in the above-entitled matters under the applicable provisions of said Act and the rules of the Division be held on December 12, 1940, at 10 o'clock in the forenoon of that day, at a hearing room of the Bituminous Coal Division, 734 Fifteenth Street NW., Washington, D. C. On such day the Chief of the Records Section in

room 502 will advise as to the room where such hearing will be held.

It is further ordered, That Floyd McGown or any other officer or officers of the Division duly designated for that purpose shall preside at the hearing in such matters. The officers so designated to preside at such hearing are hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, subpoena witnesses, compel their attendance, take evidence, require the production of any books, papers, correspondence, memoranda, or other records deemed relevant or material to the inquiry, to continue said hearing from time to time, and to prepare and submit to the Director proposed findings of fact and conclusions and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to all parties herein and to persons or entities having an interest in these proceedings and eligible to become a party herein. Any person desiring to be admitted as a party to this proceeding may file a petition of intervention in accordance with the rules and regulations of the Bituminous Coal Division for proceedings instituted pursuant to section 4 II (d) of the Act, setting forth the facts on the basis of which the relief in the original petition is supported or opposed or on the basis of which other relief is sought. Such petitions of intervention shall be filed with the Bituminous Coal Division on or before December 7, 1940.

All persons are hereby notified that the hearing in the above-entitled matters and any orders entered therein, may concern, in addition to the matters specifically alleged in the petitions, other matters necessarily incidental and related thereto, which may be raised by amendment to the petitions, petitions of interveners or otherwise, or which may be necessary corollaries to the relief, if any, granted on the basis of this petition.

The matter concerned herewith in Docket A–285 is in regard to the petition of District Board 9 praying that the prices appearing in the Schedule of Effective Minimum Prices for District No. 9 for All Shipments Except Truck, for shipment to Market Area 34, be deleted, and that the prices established for District 9 for shipments into Market Area 34 be made the same as those established for it for shipments to Market Areas 20–33, 35–78, 157 and 200–207.

The matter concerned herewith in Docket A–286 is in regard to the petition of District Board 9 praying for a reduction in the effective minimum prices for the Sixth Vein coals of District 9 in Size Group 15.

Dated: November 13, 1940.

[SEAL] H. A. GRAY,
Director.

[F. R. Doc. 40–4890; Filed, November 14, 1940; 11:32 a. m.]

DEPARTMENT OF LABOR.

Wage and Hour Division.

NOTICE OF ISSUANCE OF SPECIAL CERTIFICATES FOR THE EMPLOYMENT OF LEARNERS UNDER THE FAIR LABOR STANDARDS ACT OF 1938

Notice is hereby given that Special Certificates authorizing the employment of learners at hourly wages lower than the minimum wage rate applicable under section 6 of the Act are issued under section 14 thereof, Part 522 of the Regulations issued thereunder (August 16, 1940, 5 F.R. 2862) and the Determination and Order or Regulation listed below and published in the FEDERAL REGISTER as here stated.

Apparel Learner Regulations, September 7, 1940 (5 F.R. 3591).

Artificial Flowers and Feathers Learner Regulations, October 24, 1940 (5 F.R. 4203).

Glove Findings and Determination of February 20, 1940, as amended by Administrative Order of September 20, 1940 (5 F.R. 3748).

Hosiery Learner Regulations, September 4, 1940 (5 F.R. 3530).

Independent Telephone Learner Regulations, September 27, 1940 (5 F.R. 3829).

Knitted Wear Learner Regulations, October 10, 1940 (5 F.R. 3982).

Millinery Learner Regulations, Custom Made and Popular Priced, August 29, 1940 (5 F.R. 3392, 3393).

Textile Determination and Order, November 8, 1939 (4 F.R. 4531), as amended, April 27, 1940 (5 F.R. 1586).

Woolen Learner Regulations, October 30, 1940 (5 F.R. 4302).

The employment of learners under these Certificates is limited to the terms and conditions as to the occupations, learning periods, minimum wage rates, et cetera, specified in the Determination and Order or Regulation for the industry designated above and indicated opposite the employer's name. These Certificates become effective November 15, 1940. The Certificates may be cancelled in the manner provided in the Regulations and as indicated in the Certificate. Any person aggrieved by the issuance of any of these Certificates may seek a review or reconsideration thereof.

NAME AND ADDRESS OF FIRM, INDUSTRY, PRODUCT, NUMBER OF LEARNERS, AND EXPIRATION DATE

Angelica Jacket Company of California, 1223 South Wall Street, Los Angeles, California; Apparel; Washable Service Apparel; 5 learners (75% of the applicable hourly minimum wage); November 15, 1941.

B. & H. Manufacturing Company, 209 South Dixon Street, Gainesville, Texas; Apparel; Dresses and Sportswear; 18 learners (75% of the applicable hourly minimum wage); March 14, 1941.

Belmont Manufacturing Company, 321 N. 8th Street, Philadelphia, Pennsylvania; Apparel; Ladies' Blouses and Dresses; 5 learners (75% of the applicable hourly minimum wage); November 15, 1941.

Blue Jean Manufacturing Company, 315 Cherry Street, Scranton, Pennsylvania; Apparel; Men's Cotton Pants and Woolen Pants, Women's Woolen Jackets; 5 percent (75% of the applicable hourly minimum wage); November 15, 1941.

Consolidated Garment Manufacturing Company, 3rd & Division Streets, Altamont, Illinois; Apparel; Pants; 5 learners (75% of the applicable hourly minimum wage); November 15, 1941.

Hampstead Clothing Company, Hampstead, Maryland; Apparel; Men's Clothing; 5 learners (75% of the applicable hourly minimum wage); November 15, 1941.

S. Liebovitz and Sons, Inc., Snow Hill, Maryland; Apparel; Men's Shirts; 5 learners (75% of the applicable hourly minimum wage); November 15, 1941.

Medaryville Garment Company, Medaryville, Indiana; Apparel; Overalls; 5 learners (75% of the applicable hourly minimum wage); November 15, 1941.

Newark Embroidering Works, 78–86 Shipman Street, Newark, New Jersey; Apparel; Handkerchiefs; 4 learners (75% of the applicable hourly minimum wage); November 15, 1941.

New England Pants Company, Inc., 57 North Street, Willimantic, Connecticut; Apparel; Men's and Young Men's Trousers; 5 percent (75% of the applicable hourly minimum wage); November 15, 1941.

Perfection Pants Company, Inc., Home Street, Carrollton, Georgia; Apparel; Plain, Odd Cotton Pants; 12 learners (75% of the applicable hourly minimum wage); March 14, 1941.

Peter Pan Manufacturing Company, Two Central Square, Cambridge, Massachusetts; Apparel; Overalls and Coveralls; 5 learners (75% of the applicable hourly minimum wage); November 15, 1941.

Progressive Clothing Manufacturing Company, S. E. Corner Broad & Carpenter Streets, Philadelphia, Pennsylvania; Apparel; Men's Clothing and Army Uniforms; 5 percent (75% of the applicable hourly minimum wage); November 15, 1941.

Pullman Wholesale Tailors, Inc., 132 S. West Temple Street, Salt Lake City, Utah; Apparel; Men's and Boys' Special Order Suits and Pants; 5 learners (75% of the applicable hourly minimum wage); November 15, 1941.

Warrensburg Shirt Company, Inc., 50 River Street, Warrensburg, New York; Apparel; Shirts; 5 percent (75% of the applicable hourly minimum wage); November 15, 1941.

Mrs. M. K. Wright, 39 Woodland Avenue, Pitman, New Jersey; Apparel; Children's Dresses and Blouses; 35 learners (75% of the applicable hourly minimum wage); December 27, 1940.

The Joseph N. Eisendrath Company, 2001 Elston Avenue, Chicago, Illinois;

Glove; Knit Fabric Gloves; 5 learners; November 15, 1941.

Canvas Glove Manufacturing Works, Inc., 294 Graham Avenue, Brooklyn, New York; Glove; Work Gloves; 5 percent; November 15, 1941.

The Glove Corporation, 1535 South B Street, Elwood, Indiana; Glove; Work Gloves; 25 learners; March 14, 1941.

The Glove Corporation, 1535 South B Street, Elwood, Indiana; Glove; Work Gloves; 5 learners; November 15, 1941.

Adams-Millis Corporation, Mill No. 1, English Street, High Point, North Carolina; Hosiery; Seamless; 5 percent; November 15, 1941.

Adams-Millis Corporation, Mill No. 2, Grimes Street, High Point, North Carolina; Hosiery; Seamless; 5 percent; November 15, 1941.

Adams-Millis Corporation, Mill No. 3, Washington Street, High Point, North Carolina; Hosiery; Seamless; 5 percent; November 15, 1941.

Adams-Millis Corporation, Mill No. 4, Bodenheimer Street, Kernersville, North Carolina; Hosiery; Seamless; 5 percent; November 15, 1941.

Adams-Millis Corporation, Mill No. 7, English Street, High Point, North Carolina; Hosiery; Full-Fashioned; 5 percent; November 15, 1941.

Adams-Millis Corporation, Mill No. 8, Tryon, North Carolina; Hosiery; Seamless; 5 percent; November 15, 1941.

Alta Hosiery Mill, Terra Alta, West Virginia; Hosiery; Full-Fashioned; 15 learners; July 15, 1941.

Alta Hosiery Mill, Terra Alta, West Virginia; Hosiery; Full-Fashioned; 5 learners; November 15, 1941.

Amos and Smith Hosiery Company, Pilot Mountain, North Carolina; Hosiery; Full-Fashioned; 7 learners; May 15, 1941.

Amos and Smith Hosiery Company, Pilot Mountain, North Carolina; Hosiery; Full-Fashioned; 5 percent; November 15, 1941.

Atlas Silk Hosiery Company, Trenton and Dundee Avenues, Paterson, New Jersey; Hosiery; Full-Fashioned; 5 percent; November 15, 1941.

Best Made Silk Hosiery Company, 5th Street, Quakertown, Pennsylvania; Hosiery; Full-Fashioned; 5 percent; November 15, 1941.

Brown Hosiery Mill, Inc., Burlington, North Carolina; Hosiery; Seamless; 5 learners; November 15, 1941.

Classic Hosiery Mill, Inc., Elizabethtown, Pennsylvania; Hosiery; Full-Fashioned; 2 learners; July 15, 1941.

Crescent Knitting Company, Armfield Street, Statesville, North Carolina; Hosiery; Seamless; 5 percent; November 15, 1941.

Crewe Hosiery Company, Inc., Crewe, Virginia; Hosiery; Full-Fashioned; 6 learners; July 15, 1941.

Cumberland Manufacturing Company, Crossville, Tennessee; Hosiery; Full-Fashioned; 56 learners; July 15, 1941.

Dolly Hosiery Mills, Inc., Valdese, North Carolina; Hosiery; Seamless; 4 learners; November 15, 1941.

Guilford Hosiery Mills, Inc., High Point, North Carolina; Hosiery; Seamless; 5 percent; November 15, 1941.

Hallam Hosiery Company, Inc., Hallam, Pennsylvania; Hosiery; Full-Fashioned; 10 learners; November 15, 1941.

Hallam Hosiery Company, Inc., Hallam, Pennsylvania; Hosiery; Full-Fashioned; 5 learners; November 15, 1941.

Harriman Hosiery Mills, Harriman, Tennessee; Hosiery; Seamless; 5 percent; November 15, 1941.

Homestead Manufacturing Company, Inc., Jasper, Alabama; Hosiery; Full-Fashioned; 33 learners; July 15, 1941.

Infants Socks, Inc., Eufaula, Alabama; Hosiery; Seamless; 30 learners; July 15, 1941.

Elizabeth James Mills No. 2, South Logan Street, Marion, North Carolina; Hosiery; Full-Fashioned; 5 percent; November 15, 1941.

Kenosha Full Fashioned Mills, Inc., Kenosha, Wisconsin; Hosiery; Full-Fashioned; 5 percent; November 15, 1941.

Massachusetts Knitting Mills, Inc., 89 Bickford Street, Jamaica Plain, Massachusetts; Hosiery; Seamless and Full-Fashioned; 5 percent; November 15, 1941.

Melrose Hosiery Mills, Inc., High Point, North Carolina; Hosiery; Seamless; 5 percent; November 15, 1941.

Moorhead Knitting Company, Harrisburg, Pennsylvania; Hosiery; Seamless; 5 percent; November 15, 1941.

Penderlea Manufacturing Company, Inc., Willard, North Carolina; Hosiery; Full-Fashioned; 62 learners; July 15, 1941.

Pine Hosiery Mills, Inc., Star, North Carolina; Hosiery; Seamless; 5 learners; November 15, 1941.

Pure Silk Hosiery Mills, Inc., 400—13th Street, Panama City, Florida; Hosiery; Full-Fashioned; 15 learners; July 15, 1941.

Puritan Finishing Mills, Inc., Burlington, North Carolina; Hosiery; Seamless; 5 learners; November 15, 1941.

Quitman Hosiery Mill, Inc., South Washington Street, Quitman, Georgia; Hosiery; Full-Fashioned; 15 learners; July 15, 1941.

Red House Manufacturing Company, Inc., Eleanor, West Virginia; Hosiery; Full-Fashioned; 49 learners; July 15, 1941.

Silkay Hosiery Mills, 3rd & Turner Streets, Allentown, Pennsylvania; Hosiery; Full-Fashioned; 10 learners; July 15, 1941.

Skyline Manufacturing Company, Inc., Scottsboro, Alabama; Hosiery; Full-Fashioned; 30 learners; July 15, 1941.

West Orange Hosiery Mills, Inc., Hackettstown, New Jersey; Hosiery; Full-Fashioned; 10 learners; July 15, 1941.

West Orange Hosiery Mills, Inc., Hackettstown, New Jersey; Hosiery; Full-Fashioned; 5 learners; November 15, 1941.

Wilkes-Barre Hosiery Mills, Inc., 173 Gilligan Street, Wilkes-Barre, Pennsylvania; Hosiery; Full-Fashioned; 5 learners; November 15, 1941.

M. H. Brown Uniform Cap Manufacturing Company, Los Angeles, California; Apparel; Uniform Caps; 2 learners (75% of the applicable hourly minimum wage); November 15, 1941.

Grass-Grossinger Company, Scranton, Pennsylvania; Apparel; Caps; 2 learners (75% of the applicable hourly minimum wage); November 15, 1941.

Pioneer Cap Company, Kansas City, Missouri; Apparel; Caps; 3 learners (75% of the applicable hourly minimum wage); November 15, 1941.

Rose Neckwear Company, Philadelphia, Pennsylvania; Apparel; Men's Neckwear; 5 learners (75% of the applicable hourly minimum wage); November 15, 1941.

Angelica Jacket Company, St. Louis, Missouri; Apparel; Washable Service Coats, Dresses, Pants, Accessories; 5 percent (75% of the applicable hourly minimum wage); November 15, 1941.

Julius Kayser & Company, 458 Dekalb Avenue, Brooklyn, New York; Glove; Knit Fabric Gloves; 5 percent; November 15, 1941.

Sterling Silk Glove Company, Bangor, Pennsylvania; Glove; Knit Fabric Gloves; 5 percent; November 15, 1941.

Northwestern Illinois Utilities, 214 Main Street, Savanna, Illinois; Independent Branch of the Telephone Industry; to employ learners (as indicated in the Telephone Order) as commercial and switchboard operators until November 15, 1941.

Atlanta Knitting Mills, Catskill, New York; Knitted Wear; Ladies' Underwear, Men's Polo Shirts; 5 percent; November 15, 1941.

Luxury, Incorporated, Willett Street, Fort Plain, New York; Knitted Wear; Knitted Underwear; 10 learners; November 15, 1941.

Rathgeb Knit Mills, Highland, New York; Knitted Wear; Sweaters; 5 learners; November 15, 1941.

Sakura Mills, Inc., Kane, Pennsylvania; Knitted Wear; Knitted Underwear; 5 percent; November 15, 1941.

Van Raalte Company, Inc., 84 Sweeney Street, North Tonawanda, New York; Knitted Wear; Underwear; 7 learners; November 15, 1941.

S. Z. Moore Spread Company, Inc., Calhoun, Georgia; Textile; Chenille Bedspreads; 5 learners; November 15, 1941.

Mock, Judson, Voehringer Company of North Carolina, Inc., Howard and Hiatt Streets, Greensboro, North Carolina; Textile; Silk Thread; 3 percent; November 15, 1941.

Darlington Manufacturing Company, Darlington, South Carolina; Textile;

Cotton Print Cloth and Sheeting; 3 percent; November 15, 1941.

Grabur Silk Mills, Inc., Graham, North Carolina; Textile; Silk & Rayon; 3 percent; November 15, 1941.

J and C Cottons, Ellijay, Georgia; Textile; Cotton Yarns; 10 learners; February 21, 1941.

W. S. Libbey Company, Mill Street, Lewiston, Maine; Textile; Cotton; 3 percent; November 15, 1941.

Moore & Cram Webbing Company, Beharrell Street, West Concord, Massachusetts; Textile; Yarn and Thread; 2 learners; November 15, 1941.

Pioneer Fabric Company, Braid Street, Gadsden, Alabama; Textile; Elastic Braid, Veiling, Cotton Binding; 3 learners; November 15, 1941.

Rocky Mount Mills, Rocky Mount, North Carolina; Textile; Cotton; 3 percent; November 15, 1941.

The Ufford Textile Company, Second Street, Norwich, Connecticut; Textile; Cotton; 1 learner; November 15, 1941.

Wauregan-Quinebaug Mills, Inc., Wauregan, Connecticut; Textile; Cotton, Rayon, Synthetic; 3 percent; November 15, 1941.

Worth Mills, 3500 Old Cleburne Road, Fort Worth, Texas; Textile; Cotton; 3 percent; November 15, 1941.

Sunspun Chenilles, Inc., Asheboro, North Carolina; Textile; Bedspreads; 84 learners; March 14, 1941.

Signed at Washington, D. C., this 14th day of November 1940.

MERLE D. VINCENT,
Authorized Representative of the Administrator.

[F. R. Doc. 40-4894; Filed, November 14, 1940; 11:51 a. m.]

NOTICE OF ISSUANCE OF SPECIAL CERTIFICATES FOR THE EMPLOYMENT OF LEARNERS UNDER THE FAIR LABOR STANDARDS ACT OF 1938

Notice is hereby given that Special Certificates authorizing the employment of learners at hourly wages lower than the minimum rate applicable under Section 6 of the Act are issued under Section 14 thereof and § 522.5B of the Regulations issued thereunder (August 16, 1940, 5 F.R. 2862) to the employers listed below effective Nov. 14 and Nov. 15, 1940.

The employment of learners under these Certificates is limited to the terms and conditions as designated opposite the employer's name. These Certificates are issued upon the employers representations that experienced workers for the learner occupations are not available for employment and that they are actually in need of learners at subminimum rates in order to prevent curtailment of opportunities for employment. The Certificates may be cancelled in the manner provided for in the Regulations and as indicated on the Certificate. Any person aggrieved by the issuance of these Certificates may seek a review or reconsideration thereof.

NAME AND ADDRESS OF FIRM, PRODUCT, NUMBER OF LEARNERS, LEARNING PERIOD, LEARNER WAGE, LEARNER OCCUPATIONS, EXPIRATION DATE

Artwire Creations, Inc., 104 W. 17th Street, New York, New York; Miscellaneous; Wire Bathroom Fixtures, Rubber Covered Dish Drainers; One learner; 4 weeks for any one learner; 25 cents per hour; Spot Welder; December 26, 1940.

Keller Toy Manufacturing Company, 631 South Third Street, Columbus, Ohio; Miscellaneous; Tin Horns and Cemetery Vases; One learner; 4 weeks for any one learner; 25 cents per hour; Solderer; January 24, 1941.

The Larkotex Company, 1002 Olive Street, Texarkana, Texas; Miscellaneous; Crutches & Surgical Appliances; 2 learners; 8 weeks for any one learner; 25 cents per hour; Sewer and Cutter, Crutch Maker; April 4, 1941.

Signed at Washington, D. C. this 14th day of November, 1940.

MERLE D. VINCENT,
Authorized Representative of the Administrator.

[F. R. Doc. 40-4895; Filed, November 14, 1940; 11:51 a. m.]

PRIMA FACIE DETERMINATION IN THE MATTER OF APPLICATION FOR EXEMPTION OF THE ARTIFICIAL DRYING OF ALFALFA HAY AND THE SUBSEQUENT MILLING FROM THE MAXIMUM HOURS PROVISIONS OF THE FAIR LABOR STANDARDS ACT OF 1938 AS AN INDUSTRY OF A SEASONAL NATURE

Whereas applications have been filed by the Saunders Mills, Inc., of Walbridge, Ohio, and sundry other parties for the exemption of the artificial drying of hay and subsequent manufacture of meal therefrom, from the maximum hours provisions of the Fair Labor Standards Act of 1938 as an industry of a seasonal nature, pursuant to section 7 (b) (3) of the Act and Part 526 as amended of the regulations issued thereunder.

Whereas it appears that:

1. Green alfalfa hay used in the manufacture of artificially dehydrated alfalfa, alfalfa leaf, and alfalfa stem meals is available for harvest only during a restricted season or seasons of the year; and

2. During these periods green hay is moved directly from the fields into artificial dehydrators from whence it passes without delay into mills which convert it into meal; and

3. Such combined dehydrators and mills necessarily operate only during the periods in which green alfalfa hay is available and such periods of availability do not customarily exceed four months and in no case six months during any calendar year; and

4. The combined dehydrators and mills are closed during the remainder of the year except for sales, maintenance and repair work because green alfalfa hay is not available due to natural conditions.

Now, therefore, upon consideration of the facts stated in the said applications and upon further investigation, the Administrator hereby determines, pursuant to § 526.5 (b) (ii) of the regulations that a *prima facie* case has been shown for the granting of an exemption pursuant to section 7 (b) (3) of the Fair Labor Standards Act of 1938 and Part 526 of the regulations issued thereunder, to the combined dehydrating and milling of artificially dried alfalfa into alfalfa, alfalfa leaf, or alfalfa stem meals.

In accordance with the procedure established by § 526.5 (b) (ii), as amended, of the Regulations, the Administrator for fifteen days following the publication of this determination will receive objection to the granting of the exemption and request for hearing from any interested person. Upon receipt of objection and request for hearing, the Administrator will set the application for the hearing before himself or an authorized representative.

If no objection and request for hearing is received within fifteen days, the Administrator will make a finding upon the *prima facie* case shown upon the application.

The application may be examined in Room 5309, U. S. Department of Labor, Washington, D. C.

Signed at Washington, D. C., this 6th day of November 1940.

PHILIP B. FLEMING,
Administrator.

[F. R. Doc. 40-4896; Filed, November 14, 1940; 11:51 a. m.]

FEDERAL COMMUNICATIONS COMMISSION.

[Docket No. 5913]

APPLICATION OF WGNY BROADCASTING CO. INC. (WGNY)

NOTICE OF HEARING

Application dated June 27, 1940; for construction permit; class of service, broadcast; class of station, broadcast; location, Newburgh, New York; operating assignment specified: Frequency, 1370 kc; power, 250 w. night; 250 w. day; hours of operation, unlimited.

You are hereby notified that the Commission has examined the above described application and has designated the matter for hearing for the following reasons:

1. To determine the nature, extent, and effect of the interference, if any, between Station WGNY, operating as proposed, and the station proposed in the pending application, B1-P-2789, of Stephen R. Rintoul.

2. To determine the area and population which would be served by Station WGNY, operating as proposed, in the event that the pending application, B1–P–2789, of Stephen R. Rintoul is also granted.

The application involved herein will not be granted by the Commission unless the issues listed above are determined in favor of the applicant on the basis of a record duly and properly made by means of a formal hearing.

The applicant is hereby given the opportunity to obtain a hearing on such issues by filing a written appearance in accordance with the provisions of § 1.382 (b) of the Commission's Rules of Practice and Procedure. Persons other than the applicant who desire to be heard must file a petition to intervene in accordance with the provisions of § 1.102 of the Commission's Rules of Practice and Procedure.

The applicant's address is as follows:

WGNY Broadcasting Company, Inc.,
Radio Station WGNY,
161 Broadway,
Newburgh, New York.

Dated at Washington, D. C., November 13, 1940.

By the Commission.

[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 40–4892; Filed, November 14, 1940; 11:48 a. m.]

[Docket No. 5914]

APPLICATION OF STEPHEN R. RINTOUL
(NEW)

NOTICE OF HEARING

Application dated, February 29, 1940; for, construction permit; class of service, broadcast; class of station, broadcast; location, Stamford, Connecticut; operating assignment specified: Frequency, 1370 kc.; power, 250 w. night; 250 w. day; hours of operation, unlimited.

You are hereby notified that the Commission has examined the above described application and has designated the matter for hearing for the following reasons:

1. To determine the nature, extent, and effect of the interference, if any, which would be caused to existing stations by the operation of the proposed station.

2. To determine the nature, extent, and effect of the interference, if any, between the proposed station and Station WGNY, operating as proposed by its pending application, B1–P–2948.

3. To determine the area and population which would be served by the proposed station in the event that the pending application, B1–P–2948, of Station WGNY is also granted.

The application involved herein will not be granted by the Commission unless the issues listed above are determined in favor of the applicant on the basis of a record duly and properly made by means of a formal hearing.

The applicant is hereby given the opportunity to obtain a hearing on such issues by filing a written appearance in accordance with the provisions of § 1.382 (b) of the Commission's Rules of Practice and Procedure. Persons other than the applicant who desire to be heard must file a petition to intervene in accordance with the provisions of Section 1.102 of the Commission's Rules of Practice and Procedure.

The applicant's address is as follows:

Stephen R. Rintoul,
Buxton Lane,
Riverside, Connecticut.

Dated at Washington, D. C., November 13, 1940.

[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 40–4893; Filed, November 14, 1940; 11:48 a. m.]

FEDERAL TRADE COMMISSION.

[Docket No. 4229]

IN THE MATTER OF HARRY M. BITTERMAN, INC., A CORPORATION; HARRY M. BITTERMAN, INDIVIDUALLY AND AS PRESIDENT AND AS ONE OF THE DIRECTORS OF HARRY M. BITTERMAN, INC.; HERMAN BITTERMAN, INDIVIDUALLY AND AS SECRETARY-TREASURER OF HARRY M. BITTERMAN, INC.; IRVING DASH, INDIVIDUALLY AND AS OFFICE MANAGER OF HARRY M. BITTERMAN, INC.; I. AND A. BERGER, INC., A CORPORATION; B. ORDOVER & SONS, INC., A CORPORATION; ARTHUR PETRAS, PETER PETRAS, AND GEORGE ALVERAS, CO-PARTNERS DOING BUSINESS UNDER THE FIRM NAME AND STYLE OF PETRAS, PETRAS & CO.; AND MORRIS MINSK, AN INDIVIDUAL

STIPULATION

Subject to the approval of the Federal Trade Commission, it is hereby agreed by and between Peter Petras, George Alevras and Arthur Petras and W. T. Kelley, Chief Counsel for the Federal Trade Commission, that the complaint issued herein on August 8, 1940,[1] and duly served upon the said Peter Petras, George Alevras and Arthur Petras according to law, may, without further notice to Peter Petras, George Alevras and Arthur Petras, be amended as of the date of its issuance, as follows, to wit:

By striking from the caption of said complaint the words "Arthur Petras, Peter Petras and George Alveras, co-partners doing business under the firm name and style of Petras, Petras & Co." and substituting in lieu thereof the words "Peter Petras and George Alevras, trading as Petras & Alevras, and Arthur Petras, trading as A. Petras & Company", and

By striking from Paragraph Three, page 2, of said complaint the words

"Respondents Arthur Petras, Peter Petras and George Alveras are co-partners doing business under the firm name and style of Petras, Petras & Co. and have their principal office and place of business at 249 W. 29th Street, New York City, New York."

and substituting in lieu thereof the words

"Respondents Peter Petras and George Alevras are individuals trading as Petras & Alevras, having their principal office and place of business at 115 West 30th Street, New York, New York.

"Respondent Arthur Petras is an individual trading as A. Petras & Company, having an office and place of business at 249 W. 29th Street, New York, New York."

It is further agreed, By and between the parties aforesaid as follows, to wit:

Said complaint, as amended, shall be deemed and considered to have been lawfully served on the said Peter Petras, George Alevras and Arthur Petras on the date on which said complaint was served on said individuals originally, to wit: on August 8, 1940.

Dated this 29th day of October, A. D. 1940.

PETER PETRAS,
and
G. ALEVRAS,
Trading as Petras & Alevras.
A. PETRAS,
Trading as A. Petras & Company.
W. T. KELLEY,
Chief Counsel,
Federal Trade Commission.

Approved: November 4, 1940.

OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 40–4885; Filed, November 14, 1940; 11:29 a. m.]

SECURITIES AND EXCHANGE COMMISSION.

[File No. 22–50]

IN THE MATTER OF COPLEY SQUARE TRUST

ORDER DENYING APPLICATION

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 13th day of Nov., A. D. 1940.

Application for exemption from the provisions of the Trust Indenture Act of 1939 having been filed by the trustees of Copley Square Trust, a Massachusetts business trust, of an indenture made between trustees of the Copley Square Trust and Old Colony Trust Company underlying an original issue of $2,500,000 of First Mortgage 4½%, 30 Year Gold Bonds, and dated February 2, 1911; and

[1] 5 F.R. 2826.

A public hearing having been held upon the said application, after appropriate notice, briefs having been filed and the Commission having duly considered the matter and being fully advised in the premises, and finding, as is more fully indicated in the opinion of the Commission this day issued, that compliance with the Act would not impose an undue burden on the issuer, having due regard to the public interest and the interests of investors, or require the consent of the holders of outstanding securities, except insofar as the provisions of section 316 (a) of the Act are concerned;

It is ordered, That the said application be, and the same hereby is, denied in all respects save in respect of section 316 (a) of the Act, in which respect the application for exemption is granted.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 40-4879; Filed, November 14, 1940; 11:20 a. m.]

[File No. 31-489]

IN THE MATTER OF CITY NATIONAL BANK AND TRUST COMPANY OF CHICAGO

ORDER GRANTING CONTINUANCE OF HEARING

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 13th day of November, A. D. 1940.

City National Bank and Trust Company of Chicago having filed an application pursuant to the provisions of section 3 (a) of the Public Utility Holding Company Act of 1935 for an order exempting the applicant from all the provisions of that Act and the said application having been set down for hearing on October 10, 1940 in the Commission's Washington office; said date for hearing having been subsequently reset for November 19, 1940;

The applicant, City National Bank and Trust Company of Chicago, having filed a motion and affidavit in support thereof for the resetting of said hearing to a later date, not earlier than November 26, 1940 in order that counsel for the applicant might have sufficient time in which to prepare evidence to be presented at said hearing; and

The Commission being of the opinion that such continuance should be granted;

It is therefore ordered, That the hearing in the above matter now set for November 19, 1940[1] is hereby reset for November 26, 1940 at 10 o'clock in the forenoon of that day in the Securities and Exchange Building, 1778 Pennsylvania Avenue Northwest, Washington, D. C.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 40-4880; Filed, November 14, 1940; 11:20 a. m.]

[File No. 37-38]

IN THE MATTER OF SUBSIDIARY SERVICE CORPORATION

ORDER PERMITTING WITHDRAWAL OF DECLARATION

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 12th day of November, A. D. 1940.

Subsidiary Service Corporation, a subsidiary of Hugh M. Morris, Trustee of the Estate of Midland United Company, a registered holding company, having filed a declaration pursuant to Rule U-13-22 promulgated under section 13 of the Public Utility Holding Company Act of 1935 with respect to its organization and conduct of business as a subsidiary service company; and

After appropriate notice,[1] a public hearing on the matter having been duly held; and

The Commission in its Findings and Opinion dated June 5, 1940, having found that the organization and conduct of declarant were not such as to meet the requirements of section 13 of the Act, and having deferred, at the request of Declarant, the issuance of a final order in order that the Declarant might make such adjustments as it deemed necessary to adjust its business to the situation; and

Declarant having subsequently notified the Commission that it has ceased doing business as a subsidiary service company and having requested permission to withdraw the declaration herein:

It is ordered, That Subsidiary Service Corporation be and it hereby is permitted to withdraw the said declaration herein.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 40-4881; Filed, November 14, 1940; 11:20 a. m.]

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[1] 5 F.R. 3647.

[1] 4 F.R. 2845.